

# FLORIDA HOUSE OF REPRESENTATIVES BILL ANALYSIS

*This bill analysis was prepared by nonpartisan committee staff and does not constitute an official statement of legislative intent.*

<b>BILL #:</b> <a href="#">CS/CS/HB 433</a> <b>TITLE:</b> Department of Agriculture and Consumer Services <b>SPONSOR(S):</b> Alvarez, D. and Johnson	<b>COMPANION BILL:</b> <a href="#">CS/CS/CS/SB 290</a> (Truenow) <b>LINKED BILLS:</b> None <b>RELATED BILLS:</b> None
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## Committee References



## SUMMARY

### **Effect of the Bill:**

The bill addresses numerous matters related to agriculture and the Florida Department of Agriculture and Consumer Services. Among other provisions, the bill revises provisions related to fairs, preempts local governments from restricting gas-powered farm and landscape equipment, revises provisions that relate to biosolids, amends provisions relating to signal jamming devices, revises provisions related to state owned lands, repeals the Babcock Ranch Advisory Group, creates a Food Animal and Equine Veterinary Medicine Loan Program, and makes permanent the Farmers Feeding Florida Program. It also amends provisions relating to health studios and commercial solicitation.

### **Fiscal or Economic Impact:**

The bill has an indeterminate, but likely negative fiscal impact on the Department of Agriculture and Consumer Services. The impact on local governments and the private sector is indeterminate.

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## ANALYSIS

### **EFFECT OF THE BILL:**

The bill addresses numerous matters related to agriculture and the Florida Department of Agriculture and Consumer Services (FDACS), as discussed below.

### **Gasoline-powered Farm and Landscape Equipment**

The bill prohibits counties and municipalities from enacting or enforcing any resolution, ordinance, rule, code, or policy or taking any action that restricts or prohibits the use of gasoline-powered farm equipment or gasoline-powered landscape equipment. The bill also prohibits counties and municipalities from creating differing standards for such equipment or distinguishing it from electric equipment in retail, manufacturer, or distributor settings. However, local governments are not prohibited or limited from encouraging the use of alternative farm or landscape equipment, such as battery-powered equipment. (Sections [1](#) and [4](#))

The bill provides the following definitions:

- "Gasoline-powered farm equipment" means a machine powered by an internal combustion engine or motor that uses gasoline, diesel, or a blend of gasoline and oil which is used on a farm or used to transport farm products.
- "Gasoline-powered landscape equipment" means any machine powered by an internal combustion engine or motor that uses gasoline, diesel, or a blend of gasoline and oil which is used to provide landscape management or maintenance or to move leaves, dirt, grass, or other debris off of sidewalks, driveways, lawns, or other surfaces. (Sections [1](#) and [4](#))

**STORAGE NAME:** h0433d.SAC

**DATE:** 2/24/2026

### [Ecologically Significant Parcels in Low-density Municipalities](#)

The bill prohibits a low-density municipality from administratively approving a development on an ecologically significant parcel without an attestation provided by the developer, under penalty of perjury, that the development will not exceed a maximum density of one residential unit per 20 acres, regardless of any ordinance to the contrary. However, the density requirements may be waived upon a resolution approved by a unanimous vote of the commission or council of the low-density municipality. (Section [3](#))

This prohibition does not apply to applications for the construction of residential units on an ecologically significant parcel for the express purpose of providing housing for family members of the applicant. However, the applicant must provide an attestation, under penalty of perjury, to the low-density municipality which states that the residential units being constructed will be used for such express purpose before the administrative approval of an application for development. (Section [3](#))

The bill provides the following definitions for the Community Planning Act:

- “Ecologically significant parcel” means a parcel of land located within the boundaries of a low-density municipality which is currently undeveloped and has been designated as either rural, conservation, agricultural, or greenspace as provided by a local government comprehensive plan developed pursuant to the provisions of [s. 163.3177, F.S.](#)
- “Low-density municipality” means a municipality existing on or before January 1, 2025, which is less than 2,500 acres in total size and contains a population of 5,000 or fewer legal residents. (Section [2](#))

### [Surplus Lands](#)

The bill requires the Acquisition and Restoration Council to determine whether any lands surplus by a local governmental entity on or after January 1, 2024, are suitable for bona fide agricultural purposes. A local governmental entity may not transfer future development rights for any surplus lands determined to be suitable for bona fide agricultural purposes on or after July 1, 2024. (Section [6](#))

The bill requires the Department of Environmental Protection (DEP), in coordination with FDACS, to determine whether any state-owned conservation lands are suitable for bona fide agricultural purposes. The bill authorizes DEP, notwithstanding any other law or rule, to surplus such state-owned lands acquired on or after January 1, 2024, and requires DEP to retain a rural-lands-protection easement on all such lands. Proceeds from the sale of such surplus lands must be deposited into FDACS’s Incidental Trust Fund. By January 1, 2027, DEP must provide a yearly report of such surplus state-owned conservation lands to the Board of Trustees of the Internal Improvement Trust Fund. (Section [6](#))

The bill prohibits designated state forest lands, state park lands, wildlife management areas, or lands within the boundaries of the Comprehensive Everglades Restoration Plan from being surplus according to this process. (Section [6](#))

### [Babcock Ranch Advisory Group](#)

The bill eliminates the Babcock Ranch Advisory Group, which was created to provide guidance and advice to FDACS concerning the management and stewardship of the Babcock Ranch Preserve. (Section [7](#))

### [Nonpayment of Construction Subcontractor and Supplier Services](#)

The bill provides that a vendor that has failed to timely compensate its subcontractors or suppliers may be placed on the suspended vendor list, and therefore unable to be awarded contracts with the state. (Section [8](#))

The bill defines “subcontractor” and “supplier” for all of Part I of Chapter 489, F.S., Construction Contracting, the same as provided in Chapter 558, F.S., Construction Defects, as follows:

- “Subcontractor” means a person, as defined in [s. 1.01, F.S.](#), who is a contractor who performs labor and supplies material on behalf of another contractor in the construction or remodeling of real property.
- “Supplier” means a person, as defined in [s. 1.01, F.S.](#), who provides only materials, equipment, or other supplies for the construction or remodeling of real property. (Section [18](#))

The bill requires a licensed contractor to compensate a subcontractor or supplier for services, labor, or materials within 45 days after the contractor is paid for such services, labor, or materials, or in accordance with the terms of the contract, unless there is a bona fide dispute regarding the amount due. A contractor who knowingly and willfully violates this requirement is subject to disciplinary action, including administrative fines and license suspension or revocation.. (Section [19](#))

### [Commercial Driver License Examination](#)

The bill provides that an applicant for a Commercial Driver License (CDL) who receives unauthorized assistance from another person on the portion of the exam that tests his or her knowledge of traffic laws and signage pertaining to the respective class of vehicle, including laws regulating driving under the influence of alcohol or controlled substances, driving with an unlawful blood-alcohol level, and driving while intoxicated, commits a misdemeanor of the second degree.<sup>1</sup> (Section [9](#))

The bill provides that a person who knowingly or willfully provides unauthorized assistance to an applicant for the CDL examination commits a misdemeanor of the second degree. (Section [10](#))

### [Southern States Energy Compact](#)

The bill repeals all statutory provisions relating to the Southern States Energy Compact, which includes provisions authorizing Florida to participate in the Southern States Energy Compact and the Southern States Energy Board. (Sections [11](#), [12](#), and [13](#))

### [Biosolids Management](#)

Effective July 1, 2028, the bill requires biosolids land application sites, permitted by DEP after July 1, 2020, to ensure that only Class AA biosolids are applied to the soil of the site, thereby prohibiting application of Class A and Class B biosolids. Local governments that do not transport biosolids for land application outside of their respective counties have until July 1, 2031, to comply. The bill clarifies that this extension does not prohibit a local government from transporting Class B biosolids outside of its boundaries to a Class AA treatment facility or waste-to-energy facility located in another local government. (Section [14](#))

The bill removes the requirement that rules adopted by DEP related to biosolids management must be ratified by the Legislature. (Section [14](#))

### [Pest Control Businesses](#)

The bill requires each person applying for a pest control business license or renewal who will offer and perform fumigations as a part of his or her regular business operations to provide FDACS a certificate of insurance that meets the requirement for minimum financial responsibility for bodily injury and property damage consisting of:

- Bodily injury: \$1 million per person and \$2 million per occurrence, and property damage: \$1 million per occurrence and \$2 million in the aggregate; or
- Combined single-limit coverage: \$2 million in the aggregate. (Section [15](#))

<sup>1</sup> A second-degree misdemeanor is punishable by up to 60 days imprisonment and a \$500 fine. [Ss. 775.082](#) and [775.083, F.S.](#)

The bill increases the available administrative fine to a Class III category (up to \$10,000), from a Class II category (up to \$5,000), that may be imposed by FDACS against:

- A licensed pest control company for violating the practice act.
- An unlicensed entity for performing the unlicensed practice of pest control. (Sections [16](#) and [17](#))

### **Food Establishment Inspections**

The bill clarifies that obstructing entry, inspection, or the taking of a sample by FDACS or its duly authorized agent is prohibited. An establishment that obstructs such actions is subject to disciplinary action. (Section [20](#))

### **Healthy Food Financing Initiative**

The bill eliminates the Healthy Food Financing Initiative. (Section [21](#))

### **Health Studios**

The bill allows FDACS to exempt any business or activity not in existence as of July 1, 2026, from health studio consumer protection laws in Chapter 501, F.S., including registration and bond requirements. (Section [23](#))

### **Commercial Solicitation**

The bill prohibits commercial solicitation on any dwelling that clearly and prominently displays a sign that is no less than 8.5 by 11 inches, is visible to any person approaching the dwelling, and clearly displays a statement that identifies the dwelling as private property on which commercial solicitation is prohibited, in substantially the following manner with letters at least one inch in height:

THIS DWELLING IS DESIGNATED PRIVATE PROPERTY. NO COMMERCIAL SOLICITATION IS PERMITTED PURSUANT TO SECTION 501.062, FLORIDA STATUTES. (Section [24](#))

The bill provides the following definitions:

- “Commercial solicitation” means the act of attempting to sell goods or services, or to raise funds for a commercial purpose, through direct or indirect contact with individuals, including, but not limited to, using words, body gestures, or signs, on behalf of a business or commercial entity.
- “Dwelling” means a building or conveyance of any kind, including any attached porch, whether such building or conveyance is temporary or permanent, mobile or immobile, which has a roof over it and is designed to be occupied by people lodging therein at night, together with the curtilage thereof.<sup>2</sup> (Section [24](#))

A person who violates this provision commits a noncriminal violation, punishable with up to a \$500 fine. A person who commits a second or subsequent violation commits a misdemeanor of the second degree.<sup>3</sup> (Section [24](#))

The bill provides legislative intent. (Section [24](#))

### **Departmental Unit Reorganization**

The bill authorizes FDACS to reorganize departmental units upon approval of the Commissioner of Agriculture, regardless of current requirements for approval of such reorganization by statutory enactment or from the Executive Office of the Governor. (Section [25](#))

<sup>2</sup> During the time of a state of emergency declared by executive order or proclamation of the Governor under ch. 252, F.S., and within the area covered by such executive order or proclamation and for purposes of [ss. 810.02](#) and [810.08, F.S.](#), only, the term includes such portions or remnants thereof as exist at the original site, regardless of absence of a wall or roof. [S. 810.011, F.S.](#)

<sup>3</sup> A second-degree misdemeanor is punishable by up to 60 days imprisonment and a \$500 fine. [Ss. 775.082](#) and [775.083, F.S.](#)

### [Agriculture and Aquaculture Producers Emergency Recovery Loan Program](#)

The bill provides that in order to be eligible for the Agriculture and Aquaculture Recovery Loan Program, an applicant must be a United States citizen and a legal Florida resident before or on the date of the declared emergency. An applicant that is a business entity must be wholly owned and operated in the United States and have an active certificate of status issued by the Florida Department of State. (Section [26](#))

### [Florida Native Seed Research and Marketing Program](#)

Subject to appropriation, the bill requires the Florida Wildflower Foundation, in coordination with FDACS, to establish the Florida Native Seed Research and Marketing Program to conduct research designed to expand the availability and uses of native seeds and strengthen the market position of Florida's native seed industry through marketing campaigns and promotions within Florida and the nation. (Section [27](#))

### [Food Animal and Equine Veterinary Medicine Loan Repayment Program](#)

The bill establishes the Food Animal and Equine Veterinary Medicine Loan Repayment Program. The purpose of the program is to authorize FDACS to make payments that offset loans incurred for studies leading to a veterinary degree and a specialization in food animal or equine veterinary medicine. (Section [28](#))

Subject to legislative appropriation, the bill allows FDACS to make loan principal repayments of up to \$25,000 per eligible candidate per year. Loan principal repayments may be made on behalf of each eligible candidate each year for up to five years. FDACS may select up to three new eligible candidates each year. All repayments are contingent upon continued proof of employment in this state as a practicing food animal or equine animal veterinarian.

To be eligible, a candidate must:

- Have graduated from a college of veterinary medicine accredited by the American Veterinary Medical Association.
- Have received a Florida veterinary medical license.
- Have obtained a Category II Accreditation from the U.S. Department of Agriculture.
- Be a practicing food animal or equine animal veterinarian in this state. (Section [28](#))

Candidates are ineligible if they are also receiving financial assistance from the federal Veterinary Medicine Loan Repayment Program. (Section [28](#))

The bill provides the following definitions:

- "Equine" means a species of animal belonging to the taxonomic family Equidae, which includes horses and donkeys.
- "Food animal" means a species of animal raised for the human food supply. Food animal species include cattle, swine, sheep, goat, poultry, aquaculture, and apiary species.
- "Food animal or equine veterinarian" means a veterinarian working in food and equine animal veterinary medicine who focuses on the management and health of such animals, and who spends a minimum of 20 hours per week on food or equine animal species care and treatment.
- "Food animal and equine animal veterinary medicine" means veterinary medical practice that encompasses medical care, disease prevention, and consultation on feeding, housing, and overall flock, herd, or equine health management. (Section [28](#))

The bill allows FDACS to adopt any rules necessary to administer the program. (Section [28](#))

### [Agritourism](#)

The bill prohibits local governments from requiring property owners to obtain a rural event venue permit or license. The powers and duties of a local government to address substantial offsite impacts of agritourism activities or an emergency as provided in Chapter 252, F.S.,<sup>4</sup> are not impacted. (Section [29](#))

The bill defines “rural event venue” as a venue located on property classified as agricultural pursuant to [s. 193.461, F.S.](#), and used for special functions such as weddings, receptions, corporate meetings, or similar gatherings. (Section [30](#))

### [Citrus Marketing Order Advisory Council](#)

The bill replaces the Citrus Research and Development Foundation (CRDF), a direct-support organization of the University of Florida, with the Citrus Research and Field Trial Foundation (CRAFT), which operates as a direct-support organization of FDACS. CRAFT must serve as the advisory council and research body for citrus research conducted under a citrus research marketing order. (Section [31](#))

The bill requires CRDF to enter into a merger plan with CRAFT and complete the merger by October 1, 2026. As part of the merger, all programs, activities, duties, functions, records, property, and unexpended balances held by CRDF must be transferred to CRAFT. Funds donated to or earned by CRDF and held in trust must continue to be used for their original purposes. (Section [54](#))

The board of directors of CRAFT must consist of the Florida State Plant Health Inspection Service Director, seven citrus growers appointed by the Commissioner of Agriculture, and one Florida citrus nurse representative. Members serve without compensation but are eligible for per diem and travel reimbursement. (Section [31](#))

### [Egg or Poultry Dealer](#)

The bill updates the number of annual dressed bird sales required to be considered a poultry “dealer” to 20,000 birds annually, from 384 birds weekly (approximately 19,968 birds annually), to align state law with federal law. (Section [33](#))

### [Florida Forest Service](#)

The bill adds the Welaka Training Center as a site that the Florida Forest Service (FFS) may operate to train fire and forest resource managers, in addition to the Withlacoochee Training Center. (Section [34](#))

The bill allows the FFS to grant free meals, board, and scholarships to persons and entities, regardless of whether training takes place at a designated training center, and removes the requirement that such grants be in exchange for instructional assistance. (Section [34](#))

The bill allows the FFS to pay annual CDL renewal costs for employees whose position requires them to have a CDL. (Section [34](#))

The bill names the Bonifay Forestry Station as the John Michael Mathis Forestry Station to honor the late Mr. John Michael Mathis. Mr. Mathis was the Chipola Forestry Center manager who received commendation for leadership in wildfire mitigation during Hurricane Michael. (Section [34](#))

<sup>4</sup> Chapter 252, F.S., is known and cited as the “State Emergency Management Act.” See [s. 252.31, F.S.](#)

## [Farmers Feeding Florida Program](#)

The bill establishes the Farmers Feeding Florida Program, which requires FDACS to coordinate with Feeding Florida or its successor entity to acquire, transport, and distribute non-Emergency Food Assistance Program (non-TEFAP) fresh food products for the benefit of residents who are food insecure due to a lack of local food resources, accessibility, and affordability. (Section [35](#))

The bill requires Feeding Florida to enter into an agreement with FDACS to provide, at a minimum:

- Transportation of non-TEFAP fresh food products using owned vehicles or contracted commercial vehicles.
- Coordination of the purchase and pickup of food from the purchase location and delivery to the distribution location. (Section [35](#))

The bill requires Feeding Florida to submit:

- Monthly reports to FDACS detailing:
  - The amount of pounds of food purchased, itemized by commodity type.
  - Purchase locations and dates.
  - Delivery locations and dates.
- Quarterly reports to the chairs of the legislative appropriations committees detailing:
  - The amount of pounds of food distributed, itemized by commodity type.
  - Distribution locations. (Section [35](#))

The bill provides that foods purchased by Feeding Florida through the program are restricted to charitable purposes for hunger relief and may not reenter the wholesale, retail, or secondary markets. (Section [35](#))

The bill prohibits Feeding Florida from allowing a candidate for elective office to host a food distribution event during the period of time between the last day of the election qualifying period and the date of the election if the candidate is opposed for election or re-election at the time of the event, unless the event is in response to a declared state of emergency. (Section [35](#))

## [Aquaculture Facilities](#)

The bill prohibits FDACS from renewing a certificate of registration for an aquaculture facility that is not compliant with facility requirements unless the renewal application includes documentation of corrective action. The bill also prohibits a person, a company, or an entity, or a principal of a company or an entity, whose certificate of registration has been revoked, from reapplying for a new certificate of registration for a period of three years. (Section [36](#))

The bill requires aquaculture facilities that culture any *Micropeterus salmoides* (largemouth bass), not just *Micropeterus solmoides floridanus* (Florida largemouth bass), to maintain stock acquisition documentation or records of genetic testing. (Section [36](#))

## [Water Leases](#)

The bill provides that the rent for a water lease for growing oysters or clams *may* be adjusted every five years based on the Consumer Price Index, rather than *requiring* the rent to be adjusted every five years. (Section [37](#))

## [Florida Wine Trust Fund](#)

The bill revises the required uses of the Florida Wine Trust Fund by requiring the promotion of wine products, rather than viticulture products, manufactured from products grown in the state and to provide grants for wine, in addition to viticulture, research. (Section [38](#))

## Fair Charters and Permitting

The bill substantially amends requirements for fair associations and operations. The bill removes the definitions of community, county, district, and regional fairs; as such, all fairs will be either a “state fair” or an “annual public fair.” (Section [40](#))

The bill removes the requirements that the agricultural products of each fair be produced in or be typical of its respective geographic area, and that the majority of the board of directors of each fair must reside, be employed, or operate a business in its respective geographic area. It removes the requirement that district fairs pay at least \$25,000 in cash premiums or awards to exhibitors, and that district fairs have exhibits representing basic resources in agriculture and industry of each county served by the fair. Fairs will still be required to benefit and develop the educational agricultural, horticultural, livestock, charitable, historical, civic, cultural, scientific, and other resources of this state, or any county, municipality, or other community in this state. (Section [40](#))

Related to formation of a fair, the bill:

- Removes any minimum requirement on the number of persons it takes to incorporate a fair association.
- Creates a mechanism for denial of charter applications and a process for remediation before resubmission of the proposed charter.
- Requires the proposed charter submitted by approved applicants to be notarized.
- Requires the proposed charter to include:
  - A provision for ex officio membership.
  - The name of an elected member of the board of county commissioners who will serve as an ex officio member of the board of directors of the association.
  - The official email address of the association.
  - The oath to be taken by the applicant, which must include:
    - That the primary objective of the association is for public service and to hold, conduct, and promote public fairs or expositions.
    - That money and other available assets in value exceeding \$5,000 have been provided for purposes designated by the association.
    - That the association will operate in good faith to carry out the purposes and objectives set forth in the charter. (Section [41](#))

The bill limits the number of incorporated fair associations per county to one; however, the state fair and fair associations incorporated before July 1, 2026, may continue to operate regardless of this limitation. The bill provides the Commissioner of Agriculture the discretion to waive the limit on the number of fair associations per county. (Section [42](#))

The bill removes the requirements that a fair association applicant must:

- Send a notice to FDACS of the intention to apply to the circuit court for the charter.
- Publish the notice in a newspaper in the county of the association each week for four consecutive weeks.
- Summarize the charter and objectives of the proposed association in the notice.
- Place the proposed charter on file in the office of the clerk of the circuit court during the publication period. (Section [43](#))

The bill requires that a proposed charter first be approved by FDACS before being submitted to the board of county commissioners of the county where the principal office of the association will be located. (Section [43](#))

The bill removes the public notice requirement for dissolving a fair association. The bill requires the remaining assets be distributed to the county in which the principal office of the association is located, unless otherwise specified by the property deed. It removes the requirements for remaining assets of a dissolved association to be distributed to any county or municipality within the county and that property contributed by a municipality or county be returned to that respective municipality or county. The bill removes the provision allowing the board of

directors to designate the public project that will benefit from the funds or the manner in which the property will be used. (Sections [44](#) through [46](#))

The bill clarifies that the threshold of annual attendance of 25,000 is based on recorded attendance from the previous year, and that a new fair association must follow the financial reporting requirements of a fair association whose fair has an annual attendance of 25,000 or fewer. It also requires that a fair association review its charter every five years and submit a certified copy to FDACS that incorporates any amendment made in the last five years. A designated member of the association must attest that the submitted charter is accurate and factual. (Section [42](#))

The bill clarifies that the application for a permit for an annual public fair must be submitted to FDACS at least 90 days, rather than three months, before holding the fair. It adds the requirements that the permit applicant provide a copy of the association's charter which incorporates all amendments made and a complete listing of all fair exhibits. It removes the requirement that the applicant provide a written statement subscribed to by an association officer that the main purpose of the association is to conduct a public fair for the benefit of the resources of the geographic area represented by the fair. The bill revises the list of permissible premium categories for a permit to remove "women's department" and update the name of the Future Homemakers of America to the Family, Career and Community Leaders of America. (Section [48](#))

The bill removes the following components for the permit application and instead requires them to be sent to FDACS 21 days before holding the fair:

- Proof of liability insurance of at least \$300,000 per occurrence.
- A copy of the association's most recent annual financial statement.
- A list of all current members of the board of directors of the association and their contact information, including mailing addresses. (Section [48](#))

The bill exempts the Florida State Fair Authority from general formation and operational requirements for public fairs. (Section [49](#))

### **[Nonprofit Agricultural Organizations](#)**

The bill provides that in order to be a "nonprofit agricultural organization," the organization must be exempt from federal income tax under s. 501(c)(5) of the Internal Revenue Code, rather than s. 501(c)(3) of the Internal Revenue Code. (Section [50](#))

### **[Unlawful Use of Badges and Concealed Weapon Permits](#)**

The bill amends the prohibition on the unlawful use of badges or other indicia of authority to prohibit a person from wearing or displaying any item that displays in any manner or combination the words "concealed weapon permit" or "concealed weapon permit holder" with the intent to mislead or cause another person to believe that he or she is authorized to wear or display the item containing the words. A person who violates this prohibition commits a misdemeanor of the first degree.<sup>5</sup> (Section [51](#))

### **[Signal Jamming Devices](#)**

The bill prohibits the possession, manufacture, holding or offering for sale, sell, import, distribution, or use of signal jamming devices. This prohibition is not applicable to a federal or military law enforcement agency that lawfully installs, places, or uses a signal jamming device as part of a criminal investigation, or any person duly authorized by the Federal Communications Commission. A violation of this prohibition constitutes a misdemeanor of the first degree.<sup>6</sup> (Section [53](#))

<sup>5</sup> A first-degree misdemeanor is punishable by up to one-year imprisonment and a \$1,000 fine. [Ss. 775.082](#) and [775.083, F.S.](#)

<sup>6</sup> A first-degree misdemeanor is punishable by up to one-year imprisonment and a \$1,000 fine. [Ss. 775.082](#) and [775.083, F.S.](#)

The bill provides that “signal jamming device” means a device or process, such as a phone jammer, global positioning systems blocker, or other similar device designed to intentionally block, jam, or interfere with radio communications, such as cellular and personal communication services, police radar, or global positioning systems. (Section [52](#))

### Miscellaneous

The bill makes conforming changes (Multiple Sections)

### Effective Date

The effective date of the bill is July 1, 2026. (Section [61](#))

### RULEMAKING:

The bill authorizes FDACS to adopt rules necessary to administer the Florida Food Animal and Equine Veterinary Medicine Loan Repayment Program. The bill also removes the requirement that rules adopted by DEP relating to biosolids management be ratified by the Legislature before taking effect.

*Lawmaking is a legislative power; however, the Legislature may delegate a portion of such power to executive branch agencies to create rules that have the force of law. To exercise this delegated power, an agency must have a grant of rulemaking authority and a law to implement.*

### FISCAL OR ECONOMIC IMPACT:

#### STATE GOVERNMENT:

The bill has an indeterminate, but likely negative fiscal impact on FDACS.

The state will no longer be required to spend \$45,000 annually to be a member of the Southern States Energy Compact.

#### LOCAL GOVERNMENT:

The bill has an indeterminate, but likely negative impact on local governments costs in the short-term to convert to Class AA biosolids treatment.

#### PRIVATE SECTOR:

The bill has an indeterminate, but likely negative impact for private treatment facilities in the short-term to convert to Class AA biosolids treatment.

## RELEVANT INFORMATION

### SUBJECT OVERVIEW:

#### [Gasoline-powered Farm and Landscape Equipment](#)

A number of local governments in Florida have introduced and adopted ordinances that prohibit the use of gasoline-powered leaf blowers and chainsaws, including Naples<sup>7</sup> and Miami Beach.<sup>8</sup> These local governments have

<sup>7</sup> Ch. 22, Article II, Sec. 22-37, Naples, Florida Code of Ordinances.

<sup>8</sup> Ch. 46, Article XI, Sec. 46-241-247, Miami Beach, Florida Code of Ordinances.

cited noise and environmental pollution concerns motivating the ordinances. The city of Winter Park prohibited the use of internal combustion engine leaf blowers, but voters later reversed the ban.<sup>9</sup>

The Florida Right to Farm Act<sup>10</sup> provides that “a local government may not adopt any ordinance, regulation, rule, or policy to prohibit, restrict, regulate, or otherwise limit an activity of a bona fide farm operation on land classified as agricultural land pursuant to [s. 193.461, F.S.](#), where such activity is regulated through implemented best management practices or interim measures” developed by the Department of Environmental Protection (DEP), the Department of Agriculture and Consumer Services (FDACS), or a water management district.

Section [366.032\(2\), F.S.](#), provides that except as necessary to enforce the Florida Building Code and Florida Fire Prevention Code, a municipality, county, special district, development district, or other political subdivision of the state may not restrict or prohibit the use of an appliance, including a stove or grill, using the fuels or energy types used, delivered, converted, or supplied by certain energy utilities, natural gas utilities, natural gas transmission companies, and liquified petroleum gas companies.

### *Agricultural Land and Bona fide Agricultural Purposes*

Section [193.461, F.S.](#), Florida’s greenbelt law, authorizes properties classified as bona fide agricultural operations to be taxed according to the use value of the agricultural operation, rather than the development value. Generally, tax assessments for qualifying lands are lower than tax assessments for other uses. Property appraisers are required to classify for assessment purposes all lands within the county as either agricultural or nonagricultural annually. When determining if land is used primarily for bona fide agricultural purposes the following factors may be taken into consideration:<sup>11</sup>

- The length of time the land has been so used.
- Whether the use has been continuous.
- The purchase price paid.
- Size, as it relates to specific agricultural use, but a minimum acreage may not be required for agricultural assessment.
- Whether an indicated effort has been made to care sufficiently and adequately for the land in accordance with accepted commercial agricultural practices, including, without limitation, fertilizing, liming, tilling, mowing, reforestation, and other accepted agricultural practices.
- Whether the land is under lease and, if so, the effective length, terms, and conditions of the lease.
- Such other factors as may become applicable.

### *Home Rule Authority and Preemption*

The Florida Constitution grants local governments broad home rule authority. Non-charter county governments may exercise those powers of self-government that are provided by general or special law.<sup>12</sup> Counties operating under a county charter have all powers of self-government not inconsistent with general law or special law approved by the vote of the electors.<sup>13</sup> Municipalities have governmental, corporate, and proprietary powers that

<sup>9</sup> Ch. 62, Article IV, Sec. 62-97, Winter Park, Florida Code of Ordinances. *See also* Spectrum News 13, *Winter Park voters reverse ban on gas-powered leaf blowers*, (March 12, 2025), <https://mynews13.com/fl/orlando/news/2025/03/12/winter-park-voters-reverse-ban-on-gas-powered-leaf-blowers> (last visited Feb. 17, 2026).

<sup>10</sup> [S. 823.14, F.S.](#)

<sup>11</sup> [S. 193.461\(3\)\(b\), F.S.](#)

<sup>12</sup> [Art. VIII, s. 1\(f\), Fla. Const.](#)

<sup>13</sup> [Art. VIII, s. 1\(g\), Fla. Const.](#)

enable them to conduct municipal government, perform municipal functions and provide municipal services, and exercise any power for municipal purposes except when expressly prohibited by law.<sup>14</sup>

Preemption refers to the principle that a federal or state statute can supersede or supplant state or local law that stands as an obstacle to accomplishing the full purposes and objectives of the overriding federal or state law.<sup>15</sup> Where state preemption applies, a local government may not exercise authority in that area.<sup>16</sup> Whether a local government ordinance or other measure violates preemption is ultimately decided by a court. If a local government improperly enacts an ordinance or other measure on a matter preempted to the state, a person may challenge the ordinance by filing a lawsuit. A court ruling against the local government may declare the preempted ordinance void.<sup>17</sup>

### **Ecologically Significant Parcels in Low-density Municipalities**

The Community Planning Act governs how local governments create and adopt their local comprehensive plans.<sup>18</sup> Local comprehensive plans must include principles, guidelines, standards, and strategies for the orderly and balanced future land development of the area and reflect community commitments to implement the plan. The Community Planning Act intends that local governments manage growth through comprehensive land use plans that facilitate the adequate and efficient provision of transportation, water, sewage, schools, parks, recreational facilities, housing, and other requirements and services.<sup>19</sup> The comprehensive plan is implemented via land development regulations. Each county and municipality must adopt and enforce land development regulations, such as zoning or other housing-related ordinances, which are consistent with and implement their adopted comprehensive plan.<sup>20</sup>

Under the Community Planning Act, a development permit is any official action of a local government that has the effect of permitting the development of land including, but not limited to, building permits, zoning permits, subdivision approval, rezoning, certifications, special exceptions, and variances.<sup>21</sup> A development order is issued by a local government and grants, denies, or grants with conditions an application for a development permit.<sup>22</sup>

### **Surplus Lands**

State law designates the Board of Trustees of the Internal Improvement Trust Fund (Board of Trustees),<sup>23</sup> which holds the title to state lands, as the entity responsible for determining which state lands may be surplus.<sup>24</sup> There are two different categories of state-owned lands: conservation lands and nonconservation lands.<sup>25</sup> For surplus any conservation lands, the Acquisition and Restoration Council (ARC)<sup>26</sup> must first make a recommendation to the

<sup>14</sup> [Art. VIII, s. 2\(b\)](#); see also [s. 166.021\(1\), F.S.](#)

<sup>15</sup> Preemption Definition, Black's Law Dictionary (12th ed. 2024).

<sup>16</sup> *D'Agostino v. City of Miami*, 220 So. 3d 410 (Fla. 2017); Judge James R. Wolf and Sarah Harley Bolinder, *The Effectiveness of Home Rule: A Preemption and Conflict Analysis*, 83 Fla. B.J. 92 (June 2009), <https://www.floridabar.org/the-florida-bar-journal/the-effectiveness-of-home-rule-a-preemption-and-conflict-analysis/> (last visited Jan. 12, 2026).

<sup>17</sup> See, e.g., *Nat'l Rifle Ass'n of Am., Inc. v. City of S. Miami*, 812 So. 2d 504 (Fla. 3d DCA 2002).

<sup>18</sup> [S. 163.3161, F.S.](#)

<sup>19</sup> [S. 163.3161\(4\), F.S.](#)

<sup>20</sup> [S. 163.3202, F.S.](#)

<sup>21</sup> [S. 163.3164\(16\), F.S.](#)

<sup>22</sup> See ss. [125.022](#), [163.3164\(15\)](#), and [166.033, F.S.](#)

<sup>23</sup> The Board of Trustees is a four-person board consisting of the Governor, the Attorney General, the Chief Financial Officer, and the Commissioner of Agriculture. See [s. 253.02\(1\), F.S.](#)

<sup>24</sup> [S. 253.0341\(1\), F.S.](#)

<sup>25</sup> *Id.*

<sup>26</sup> Section [259.035, F.S.](#), provides that the ARC is a 10-member group with representatives from four state agencies, four appointees by the Governor, one appointee by the Fish and Wildlife Conservation Commission, and one appointee by the Commissioner of Agriculture and Consumer Services. ARC has responsibility for the evaluation, selection and ranking of state land acquisition projects on the Florida Forever priority list, as well as the review of management plans and land uses for all state-owned conservation lands. DEP, *Acquisition and Restoration Council*, <https://floridadep.gov/lands/environmental->

Board of Trustees.<sup>27</sup> Conservation lands may only be surplus if the Board of Trustees, by an affirmative vote of at least three members, determines that the lands are no longer needed for conservation purposes.<sup>28</sup> For surplus any nonconservation lands, the Board of Trustees must determine whether the lands are no longer needed and may dispose of such lands by an affirmative vote of at least three members.

Local government requests for surplus lands through purchase or exchange must be expedited throughout the surplus process.<sup>29</sup>

Requests for surplus lands may be made by any public or private entity or person. All requests to surplus conservation lands must be submitted to the lead managing agency for review and recommendation to the ARC, and all requests to surplus nonconservation lands must be submitted to the Division of State Lands for review and recommendation to the Board of Trustees.<sup>30</sup>

For all surplus lands, the Division of State Lands must determine the sale price based on the “highest and best use” of the property to ensure the maximum benefit and use to the state. “Highest and best use” means the reasonable, probable, and legal use of vacant land or an improved property which is physically possible, appropriately supported, financially feasible, and results in the highest value.<sup>31</sup> Agricultural use of a land is not always considered the “highest and best use” for that particular parcel. Instead, exceptions are made for the value of agricultural land to be assessed based on current use rather than its fair market value.<sup>32</sup>

The Board of Trustees owns approximately 3.3 million acres of uplands, 3.1 million acres of which are conservation lands and 0.2 million acres of which are nonconservation lands. There are also about 0.5 million acres of conservation easements.<sup>33</sup> As of June 30, 2025, there were 268 properties owned by the Board of Trustees that were candidates for disposition or in the disposition process, comprising an estimated 263 acres with an estimated value of \$9.84 million.<sup>34</sup>

### *Rural-Lands-Protection Easements*

FDACS, through the Rural and Family Lands Protection Program, is authorized to acquire permanent agricultural land conservation easements, called rural-lands-protection easements.<sup>35</sup> Under this program, FDACS, on behalf of the Board of Trustees, is authorized to allocate funds to acquire perpetual, less than fee simple interests in land and enter into agricultural protection agreements and resource conservation agreements.<sup>36</sup> These arrangements compensate property owners for restrictions on the future development of their land in perpetuity while allowing them to continue agricultural activities.<sup>37</sup>

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[services/content/acquisition-and-restoration-council-arc](#) (last visited Dec. 29, 2025); *see also* [s. 253.0341\(6\), F.S.](#) (providing that before any decision by the Board of Trustees, ARC must review and make recommendations to the Board of Trustees concerning the request for surplus, and must determine whether the request is compatible with the resource values of and management objectives for such lands).

<sup>27</sup> [S. 253.0341\(1\), F.S.](#)

<sup>28</sup> *Id.*

<sup>29</sup> [S. 253.0341\(1\), F.S.](#)

<sup>30</sup> [S. 253.0341\(11\), F.S.](#)

<sup>31</sup> [S. 253.0341\(8\), F.S.](#)

<sup>32</sup> [Art. VII, s. 4\(a\), Fla. Const.](#)

<sup>33</sup> DEP, *FAQ: Disposition of state lands and facilities annual report*, <https://floridadep.gov/lands/bureau-public-land-administration/content/faq-disposition-state-lands-and-facilities-annual> (last visited Dec. 29, 2025).

<sup>34</sup> Department of Management Services (DMS), *2025 Disposition of State Lands and Facilities Annual Report*, <https://dms-media.ccplatform.net/content/download/439934/file/10.1.25%202025%20DEP%20Disposition%20of%20State%20Lands%20and%20Facilities%20Report.pdf> (last visited Dec. 29, 2025).

<sup>35</sup> FDACS, Rural and Family Lands Protection Program, <https://www.fdacs.gov/Consumer-Resources/Protect-Our-Environment/Rural-and-Family-Lands-Protection-Program> (last visited May 2, 2025).

<sup>36</sup> [S. 570.71, F.S.](#)

<sup>37</sup> *Id.* *See also* FDACS, *supra* note 30.

## Babcock Ranch Advisory Group

The Babcock Ranch Preserve (Preserve) occupies 67,618.81 acres in southeast Charlotte County, approximately 17.5 miles east of Punta Gorda and 34 miles west of Lake Okeechobee. The Preserve protects regionally important water resources, diverse natural habitats, scenic landscapes and historic and cultural resources in the rapidly developing southwest Florida corridor. Public recreational opportunities abound and include hunting, hiking, wildlife viewing, bicycling, fishing, camping and horseback riding.<sup>38</sup>

Prior to its purchase by the State of Florida and Lee County in 2006, the Preserve was part of the 91,361-acre working ranch known as Crescent B Ranch. Since 1914, Crescent B Ranch produced timber, cattle, row crops, and sod, and provided recreation opportunities such as hunting and ecotourism. During the sale of the property in 2006, a portion of the original Crescent B Ranch acreage was reserved for private residential development known as Babcock Ranch Community and the remainder was sold to the state.<sup>39</sup> FDACS, with the cooperation of the Florida Fish and Wildlife Conservation Commission (FWC), is the agency responsible for managing the Preserve.<sup>40</sup>

Section [259.1053, F.S.](#), created the Babcock Ranch Advisory Group to assist FDACS by providing guidance and advice concerning the management and stewardship of the Preserve. The Babcock Ranch Advisory Group is comprised of nine members appointed to five-year terms. Based on recommendations from the Governor and Cabinet, FWC, and the governing boards of Charlotte County and Lee County, the Commissioner of Agriculture appoints:<sup>41</sup>

- One member with experience in sustainable management of forest lands for commodity purposes.
- One member with experience in financial management, budget and program analysis, and small business operations.
- One member with experience in management of game and nongame wildlife and fish populations, including hunting, fishing, and other recreational activities.
- One member with experience in domesticated livestock management, production, and marketing, including range management and livestock business management.
- One member with experience in agriculture operations or forestry management.
- One member with experience in hunting, fishing, nongame species management, or wildlife habitat management, restoration, and conservation.
- One member with experience in public outreach and education.
- One member who is a resident of Lee County, to be designated by the Board of County Commissioners of Lee County.
- One member who is a resident of Charlotte County, to be designated by the Board of County Commissioners of Charlotte County.

The Babcock Ranch Advisory Group has not met since 2017.<sup>42</sup>

<sup>38</sup> FWC, *Babcock Ranch Preserve*, <https://myfwc.com/recreation/cooperative/babcock-ranch-preserve/> (last visited Dec. 23, 2025).

<sup>39</sup> *Id.*

<sup>40</sup> [S. 259.1052\(5\), F.S.](#)

<sup>41</sup> [S. 259.1053\(4\), F.S.](#)

<sup>42</sup> See Babcock Ranch Advisory Group 10-year plan, <https://www.fdacs.gov/Forest-Wildfire/Our-Forests/State-Forests/Babcock-Ranch-Preserve/Babcock-Ranch-Preserve-10-Year-Land-Management-Plan> (last visited Dec. 23, 2025).

## Nonpayment of Construction Subcontractor and Supplier Services

### *Suspended Vendor List*

The Department of Management Services (DMS) oversees state purchasing activity and registers vendors that wish to provide goods or services to the state. DMS also maintains the suspended vendor list,<sup>43</sup> which includes vendors that are in default on a contract with an agency or have otherwise repeatedly demonstrated an inability to fulfill the terms and conditions of previous state contracts.<sup>44</sup> A vendor placed on the suspended vendor list may not submit a bid, proposal, or reply, or enter into or renew a contract with, an agency during the period of suspension. DMS may reinstate a suspended vendor upon determining that further instances of default will not occur and the vendor has reimbursed the agency for any re-procurement costs.<sup>45</sup>

### *Construction Contracting*

Part I of Chapter 489, F.S., regulates construction contracting in the state, including professional licensure. Construction contractors are certified or registered by the Construction Industry Licensing Board within the Department of Business and Professional Regulation (DBPR).<sup>46</sup> Contractors may be subject to disciplinary action for failing to comply with practice requirements, including administrative fines and license suspension or revocation.<sup>47</sup>

Part I of Chapter 489, F.S., does not provide a definition for “subcontractor” or “supplier.”

### *Misapplication of Construction Funds*

Section [713.345, F.S.](#), provides penalties for misapplication of construction funds. A person, firm, or corporation, or an agent, officer, or employee thereof, who receives any payment on account of improving real property must apply such portion of any payment to the payment of all amounts then due and owing for services and labor which were performed on, or materials which were furnished for, such improvement prior to receipt of the payment. However, a person may withhold any payment, or any part of a payment, in accordance with the terms of a contract for services, labor, or materials, or pursuant to a bona fide dispute regarding the amount due, if any, for such services, labor, or materials.

A person who knowingly and intentionally fails to comply with these requirements is guilty of misapplication of construction funds, punishable as follows:<sup>48</sup>

- For misapplied funds with an aggregate value of \$100,000 or more, a felony of the first degree.
- For misapplied funds with an aggregate value of \$1,000 or more but less than \$100,000, a felony of the second degree.
- For misapplied funds with an aggregate value of less than \$1,000, a felony of the third degree.

An inference that a person knowingly and intentionally misapplied construction funds is created when:<sup>49</sup>

- A valid lien has been recorded against the property of an owner for labor, services, or materials;

<sup>43</sup> See DMS, *Vendor registration and vendor lists*,

[https://www.dms.myflorida.com/business\\_operations/state\\_purchasing/state\\_agency\\_resources/vendor\\_registration\\_and\\_vendor\\_lists](https://www.dms.myflorida.com/business_operations/state_purchasing/state_agency_resources/vendor_registration_and_vendor_lists) (last visited Dec. 29, 2025).

<sup>44</sup> [S. 287.1351\(2\)\(a\), F.S.](#) Current law requires agencies to notify DMS and provide documentation when a vendor meets grounds for suspension. DMS must determine whether good cause exists and provide written notice and an opportunity for an administrative hearing before removing the vendor from the vendor list. [S. 287.1351\(3\), F.S.](#)

<sup>45</sup> [Ss. 287.1351\(2\)\(b\) and 287.042\(1\)\(b\), F.S.](#)

<sup>46</sup> [S. 489.107, F.S.](#)

<sup>47</sup> [S. 489.129, F.S.](#)

<sup>48</sup> [S. 713.345\(1\)\(b\), F.S.](#)

<sup>49</sup> [S. 713.345\(1\)\(c\), F.S.](#)

- The person who ordered the labor, services, or materials has received sufficient funds to pay for such labor, services, or materials; and
- The person has failed, for a period of at least 45 days from receipt of the funds, to remit sufficient funds to pay for such labor, services, or materials, except for funds withheld in accordance with the terms of a contract for services, labor, or materials, or pursuant to a bona fide dispute regarding the amount due.

A state attorney or the statewide prosecutor, upon the filing of an indictment or information against a contractor, subcontractor, or sub-subcontractor, must forward a copy of the indictment or information to DBPR. DBPR must then promptly open an investigation into the matter.<sup>50</sup> If a contractor, subcontractor, sub-subcontractor, or other person who is licensed under Ch. 489, F.S., is convicted of misapplication of construction funds, the licensee is subject to disciplinary action.<sup>51</sup>

### *Construction Defects*

Chapter 558, F.S., provides an alternative dispute resolution mechanism in certain construction defect matters. The claimant files a notice of claim with the contractor, subcontractor, supplier, or design professional that the claimant asserts is responsible for the defect, and provides the contractor, subcontractor, supplier, or design professional, and the insurer of the contractor, subcontractor, supplier, or design professional, with an opportunity to resolve the claim through confidential settlement negotiations without resorting to further legal process.<sup>52</sup>

### **Commercial Driver License Examination**

Individuals applying for a commercial driver license (CDL) must undergo an exam that tests the applicant's:<sup>53</sup>

- Eyesight.
- Ability to read and understand highway signs regulating, warning, and directing traffic.
- Knowledge of the traffic laws of this state pertaining to the class of motor vehicle for which he or she is applying.
- Knowledge of the effects and dangers of driving under the influence of alcohol and controlled substances.
- Knowledge of any special requirements for the safe operation of the class of vehicle for which he or she is applying to be licensed to operate.

The applicant must also perform an actual demonstration of his or her ability to exercise ordinary and reasonable control in the safe operation of a motor vehicle or combination of vehicles of the type covered by the license classification which the applicant is seeking, including an exam of the applicant's ability to perform an inspection of his or her vehicle.<sup>54</sup>

Any person who provides false information when applying for a CDL or commercial learner's permit or is convicted of fraud in connection with testing for a CDL or commercial learner's permit is disqualified from operating a commercial motor vehicle for a period of one year.<sup>55</sup> Additionally, effective July 1, 2026, a CDL holder or applicant who is found to have cheated during, or to have otherwise circumvented, any portion of the CDL examination must retake the examination.<sup>56</sup>

Section [322.36, F.S.](#), prohibits a person from authorizing or knowingly permitting a motor vehicle owned or controlled by him or her to be operated on any highway or public street except by a person authorized to operate a

<sup>50</sup> [S. 713.345\(1\)\(d\), F.S.](#)

<sup>51</sup> [S. 713.345\(1\)\(e\), F.S.](#)

<sup>52</sup> [S. 558.001, F.S.](#)

<sup>53</sup> [S. 322.12\(4\), F.S.](#)

<sup>54</sup> *Id.*

<sup>55</sup> [S. 322.212\(7\), F.S.](#)

<sup>56</sup> [S. 322.12\(4\), F.S.](#)

motor vehicle under this chapter. Anyone who violates this provision commits a misdemeanor of the second degree.

### [Southern States Energy Compact](#)

Section [377.711, F.S.](#), establishes Florida as a member of the Southern States Energy Compact (compact). The compact is performed by the Southern States Energy Board (SSEB). The SSEB is a non-profit interstate compact organization created by state law in 1960 and consented to by Congress<sup>57</sup> with a broad mandate to contribute to the economic and community well-being of the southern region of the United States.<sup>58</sup> Its mission is to enhance economic development and the quality of life through innovations in energy and environmental policies, programs, and technologies. The SSEB serves its members directly by providing assistance designed to develop effective energy and environmental policies and programs and represents its members before governmental agencies at all levels.

Section [377.712, F.S.](#), provides for Florida's participation on the SSEB, including requiring the Governor, President of the Senate, and Speaker of the House of Representatives to each appoint one member to the SSEB. The section also authorizes departments, agencies, and officers of the state and its subdivisions to cooperate with the SSEB if the activities have been approved by either the Governor or the member appointed by the Governor.

### [Biosolids Management](#)

When domestic wastewater is treated, solid, semisolid, or liquid residue known as biosolids<sup>59</sup> accumulates in the wastewater treatment plant and must be removed periodically to keep the plant operating properly.<sup>60</sup> Biosolids also include products and treated material from biosolids treatment facilities and septage management facilities regulated by DEP.<sup>61</sup> The collected residue is high in organic content and contains moderate amounts of nutrients.<sup>62</sup>

Wastewater treatment facilities produce about 340,000 dry tons of biosolids each year.<sup>63</sup> Biosolids can be disposed of in several ways including placement in a landfill, distribution and marketing as fertilizer, and land application to pasture or agricultural lands.<sup>64</sup> Biosolids are subject to regulatory requirements established by DEP to protect public health and the environment.<sup>65</sup>

<sup>57</sup> Public Laws 87-563 and 92-440.

<sup>58</sup> Southern States Energy Board, *About SSEB*, <http://www.sseb.org/about/> (last visited Dec. 29, 2025).

<sup>59</sup> Section [373.4595, F.S.](#), defines biosolids are the solid, semisolid, or liquid residue generated during the treatment of domestic wastewater in a domestic wastewater treatment facility and include products and treated material from biosolids treatment facilities and septage management facilities. The term does not include the treated effluent or reclaimed water from a domestic wastewater treatment facility, solids removed from pump stations and lift stations, screenings and grit removed from the preliminary treatment components of domestic wastewater treatment facilities, or ash generated during the incineration of biosolids.

<sup>60</sup> DEP, *Domestic wastewater biosolids*, <https://floridadep.gov/water/domestic-wastewater/content/domestic-wastewater-biosolids> (last visited Dec. 29, 2025).

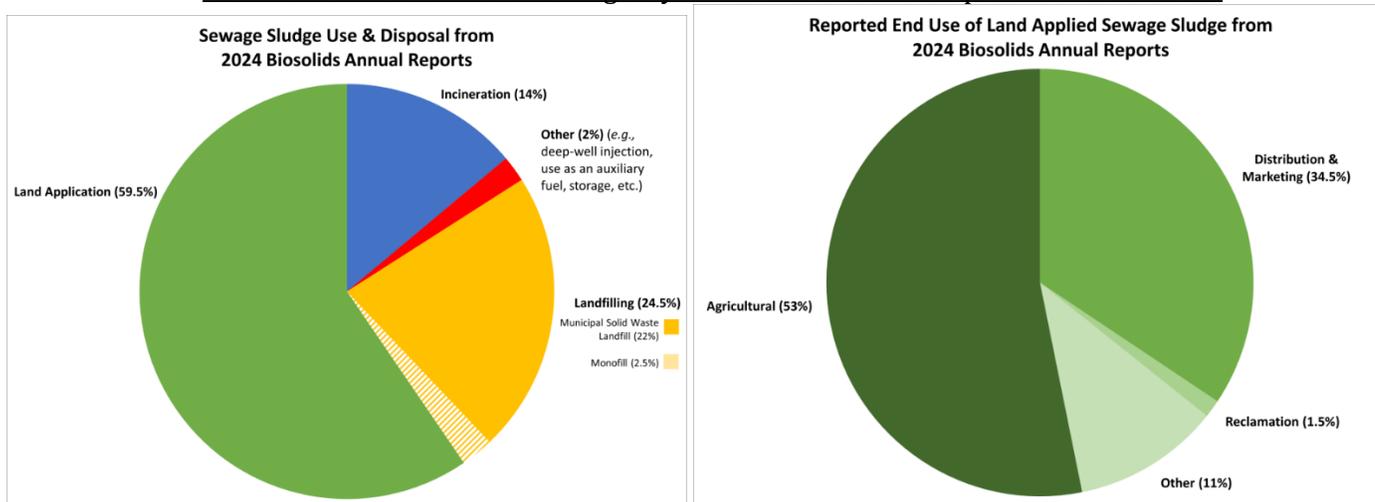
<sup>61</sup> Rule 62-640.200(6), F.A.C.

<sup>62</sup> DEP, *Domestic wastewater biosolids*, <https://floridadep.gov/water/domestic-wastewater/content/domestic-wastewater-biosolids> (last visited Dec. 29, 2025).

<sup>63</sup> DEP, *Biosolids in Florida*, <https://www.florida-stormwater.org/assets/MemberServices/Conference/AC19/02%20-%20Frick%20Tom.pdf#:~:text=Biosolids%20and%20Management%20in%20Florida%20Estimated%20Total%20Production,two-thirds%20are%20beneficially%20used%20and%20onethird%20is%20landfilled> (last visited Dec. 29, 2025).

<sup>64</sup> *See Id.*

<sup>65</sup> Rule 62-640, F.A.C.

U.S. Environmental Protection Agency – Biosolids use and disposal across the U.S.:<sup>66</sup>

Land application of biosolids involves spreading biosolids on the soil surface or incorporating or injecting biosolids into the soil at a permitted site.<sup>67</sup> This practice provides nutrients and organic matter to the soil on agricultural land, golf courses, forests, parks, mine reclamation sites, and other disturbed lands. Composted and treated biosolids are used by landscapers and nurseries, and by homeowners for their lawns and home gardens.<sup>68</sup>

Biosolids are classified at the federal level in two classes, “Class A” or “Class B.”<sup>69</sup> In Florida, there is an additional “Class AA” designation for biosolids treated to the highest quality standard, which are distributed and marketed as fertilizer,<sup>70</sup> and DEP regulates the three classes of biosolids for beneficial use.<sup>71</sup> The classes are categorized based on treatment and quality, with Class AA biosolids receiving the highest level of treatment, and Class B receiving the lowest.<sup>72</sup> Treatment of biosolids must reduce pathogens, the attractiveness of the biosolids for pests like insects and rodents, and the amount of toxic metals in the biosolids.<sup>73</sup>

Biosolids are regulated under Rule 62-640, F.A.C. The rules provide minimum requirements, including monitoring and reporting requirements, for the treatment, management, use, and disposal of biosolids. The rules are applicable to wastewater treatment facilities, applicators, and distributors<sup>74</sup> and include permit requirements for both treatment facilities and biosolids application sites.<sup>75</sup>

Each permit application for a biosolids application site must include a site-specific nutrient management plan (NMP) that establishes the specific rates of application and procedures to apply biosolids to land.<sup>76</sup> Biosolids may

<sup>66</sup> EPA, *Basic Information about Sewage Sludge and Biosolids*, <https://www.epa.gov/biosolids/fact-sheet-use-landfilling-biosolids-management> (last visited Dec. 29, 2025).

<sup>67</sup> EPA, *Land application of biosolids*, <https://www.epa.gov/biosolids/land-application-biosolids> (last visited Dec. 29, 2025).

<sup>68</sup> *Id.*

<sup>69</sup> 40 C.F.R. Part 503; EPA, *Land Application of Biosolids*, <https://www.epa.gov/biosolids/land-application-biosolids> (last visited Jan. 12, 2026).

<sup>70</sup> R. 62-640.200(11), F.A.C.; *see also* National Biosolids Data Project, *Florida Biosolids* (last updated 2018), <https://www.biosolidsdata.org/florida> (last visited Jan. 15, 2026).

<sup>71</sup> Rule 62-640.200, F.A.C.

<sup>72</sup> *Id.*; DEP, *supra* note 57.

<sup>73</sup> Rule 62-640.600, F.A.C.

<sup>74</sup> Rule 62-640.100, F.A.C.

<sup>75</sup> Rule 62-640.300, F.A.C.

<sup>76</sup> Rule 62-640.500, F.A.C.

only be applied to land application sites that are permitted by DEP and have a valid NMP.<sup>77</sup> Once a facility or site is permitted, it is subject to monitoring, record-keeping, reporting, and notification requirements.<sup>78</sup>

Section [403.0855, F.S.](#), requires all biosolids application sites to meet DEP rules in effect at the time of the renewal of the biosolids application site permit or facility permit, effective July 1, 2020. Permittees applying Class A or Class B biosolids must ensure a minimum unsaturated soil depth of 2 feet between the depth of biosolids placement and the water table level at the time of application. Permittees must also be enrolled in FDACS Best Management Practices (BMP) Program or be within an agricultural operation enrolled in the program for the applicable commodity type.

Class AA biosolids may be distributed and marketed like other commercial fertilizers with few further restrictions and less regulation under Rule 62-640, F.A.C. than Class A and Class B biosolids;<sup>79</sup> and, like other commercial fertilizers, they are primarily regulated by FDACS's BMP Program.<sup>80</sup> Section [403.067, F.S.](#), authorizes and directs FDACS to develop and adopt by rule BMPs that will help Florida's agricultural industry achieve the reductions allocated in basin management action plans (BMAPs), which are restoration plans developed for the watersheds and basins connected to certain impaired waterbodies.<sup>81</sup>

FDACS develops and adopts BMPs by rule for different types of agricultural commodities.<sup>82</sup> At least every two years, DACS must perform onsite inspections of each agricultural producer that enrolls in a BMP to ensure that such practice is being properly implemented.<sup>83</sup> Such verification must include a collection and review of the BMP documentation from the previous two years, including, but not limited to, nitrogen and phosphorus fertilizer application records, which must be collected and retained.<sup>84</sup>

Producers or agricultural landowners who properly implement the applicable BMPs or who are in compliance with the Equivalent Program<sup>85</sup> requirements of Rule Chapter 5M-1, F.A.C., are entitled to a presumption of compliance with state water quality standards.<sup>86</sup>

The application of biosolids is prohibited in certain areas. The Legislature banned the disposal of domestic wastewater biosolids within the Lake Okeechobee,<sup>87</sup> Caloosahatchee River,<sup>88</sup> and St. Lucie River<sup>89</sup> watersheds unless the applicant can affirmatively demonstrate that the nutrients in the biosolids will not add to nutrient loadings in the watershed. The prohibition against land application in these watersheds does not apply to Class AA biosolids that are distributed as fertilizer products.<sup>90</sup>

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<sup>77</sup> *Id.*

<sup>78</sup> Rule 62-640.650, F.A.C.

<sup>79</sup> Rule 62-640.800, F.A.C.

<sup>80</sup> DEP, *Domestic wastewater biosolids*; National Biosolids Data Project. *Florida biosolids*, <https://www.biosolidsdata.org/florida> (last visited Dec. 29, 2025); Rule 62-640.850, F.A.C.; R. 62-640.850(2), F.A.C.; *see also* [s. 576.181\(1\), F.S.](#), and R. Ch. 5E-1, F.A.C.

<sup>81</sup> [S. 403.067\(7\)\(a\)1, F.S.](#); Rule 62-303.100(1), F.A.C.

<sup>82</sup> *Id.*

<sup>83</sup> [S. 403.067\(7\)\(d\)3, F.S.](#)

<sup>84</sup> *Id.*

<sup>85</sup> Equivalent Programs provide water quality protections equal to or more stringent than the applicable BMPs.

<sup>86</sup> [S. 403.067\(7\)\(c\)3, F.S.](#)

<sup>87</sup> [S. 373.4595\(3\)\(b\)16, F.S.](#)

<sup>88</sup> [S. 373.4595\(4\)\(b\)5, F.S.](#)

<sup>89</sup> [S. 373.4595\(4\)\(d\)5, F.S.](#)

<sup>90</sup> *Id.*; [ss. 373.4595\(3\)\(b\)16](#), and [373.4595\(4\)\(b\)5, F.S.](#); *see also* R. 62-640.850, F.A.C.

## Waste-to-energy Facilities

Waste-to-energy refers to the recovery of energy from waste materials through processes that convert nonrecyclable waste into usable heat, electricity, or fuel.<sup>91</sup> In Florida, waste-to-energy facilities primarily combust municipal solid waste to reduce its volume and generate electricity or steam, leaving an ash residue with minimal combustible material.<sup>92</sup>

## Biosolids Rulemaking

The Legislature passed the Clean Waterways Act in 2020 to address a number of environmental issues relating to water quality improvement, including biosolids. DEP was directed to promulgate rules to implement the Clean Waterways Act, including rules addressing biosolids management in Florida.<sup>93</sup> All rules adopted by DEP related to biosolids management require ratification by the Legislature prior to taking effect.<sup>94</sup> The initial biosolids rulemaking process included multiple workshops and opportunities for public input, and the rules were developed to minimize the migration of nutrients to waterbodies.<sup>95</sup> In 2021, the Legislature ratified the initial biosolids rules.<sup>96</sup>

## Pest Control Businesses

Chapter 482, F.S., which is called the Structural Pest Control Act, requires a license issued by FDACS in order to engage in the business of pest control in this state.<sup>97</sup> “Pest control” includes:<sup>98</sup>

- The use of any method or device or the application of any substance to prevent, destroy, repel, mitigate, curb, control, or eradicate any pest<sup>99</sup> in, on, or under a structure, lawn, or ornamental.<sup>100</sup>
- The identification of or inspection for infestations or infections in, on, or under a structure, lawn, or ornamental.
- The use of any pesticide, economic poison, or mechanical device for preventing, controlling, eradicating, identifying, inspecting for, mitigating, diminishing, or curtailing insects, vermin, rodents, pest birds, bats, or other pests in, on, or under a structure, lawn, or ornamental.
- All phases of fumigation, including:
  - The treatment of products by vault fumigation.
  - The fumigation of boxcars, trucks, ships, airplanes, docks, warehouses, and common carriers.
- The advertisement of, the solicitation of, or the acceptance of remuneration for any pest control work.

<sup>91</sup> See U.S. Environmental Protection Agency, Energy Recovery from the Combustion of Municipal Solid Waste, <https://www.epa.gov/smm/energy-recovery-combustion-municipal-solid-waste-msw#Technology> (last visited Feb. 18, 2026).

<sup>92</sup> See [s. 403.7061\(4\), F.S.](#); see also U.S. Energy Information Administration, *Waste-to-energy electricity generation concentrated in Florida and Northeast*, <https://www.eia.gov/todayinenergy/detail.php?id=25732#:~:text=WTE%20plants%20are%20primarily%20intended,or%20disposed%20in%20a%20landfill>. (last visited Feb. 18, 2026).

<sup>93</sup> Ch. 2020-150, Laws of Fla.

<sup>94</sup> [S. 403.0855, F.S.](#)

<sup>95</sup> DEP, *DEP Chapter 62-640, F.A.C., Rulemaking*, <https://floridadep.gov/water/domestic-wastewater/content/dep-chapter-62-640-fac-rulemaking> (last visited Dec. 29, 2025).

<sup>96</sup> Ch. 2021-153, Laws of Fla.

<sup>97</sup> [S. 482.071\(1\), F.S.](#)

<sup>98</sup> [S. 482.021\(22\), F.S.](#)

<sup>99</sup> “Pest” means an arthropod, wood-destroying organism, rodent, or other obnoxious or undesirable living plant or animal organism. [S. 482.021\(21\), F.S.](#)

<sup>100</sup> “Ornamental” means any shrub, bush, tree or other plant used or intended for use in connection with the occupation or use of any structure or by human beings for purposes other than in an agricultural area. [S. 482.021\(20\), F.S.](#)

A pest control licensee may not operate a pest control business without carrying the required insurance coverage. Each person must furnish to FDACS a certificate of insurance that meets the requirements for minimum financial responsibility for bodily injury and property damage consisting of:<sup>101</sup>

- Bodily injury: \$250,000 per person and \$500,000 per occurrence; and property damage: \$250,000 per occurrence and \$500,000 in the aggregate; or
- Combined single-limit coverage: \$500,000 in the aggregate.

FDACS may issue a written warning or suspend, revoke, or deny the issuance or renewal of any license within the scope of the Act for violations of the Act, including:<sup>102</sup>

- Negligent pest control.
- Fraudulent or misleading pest control advertising.
- Failure to pay an administrative fine.
- Issuance of a final order imposing civil penalties under s. 14(a) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) or a criminal conviction under s. 14(b) of FIFRA.

FDACS, in addition to or in lieu of any other remedy provided by state or local law, may impose an administrative fine in the Class II category<sup>103</sup> for a violation of the Act. In determining the amount of fine to be levied for a violation, the following factors must be considered:<sup>104</sup>

- The severity of the violation.
- Any actions taken by the licensee to correct the violation or to remedy complaints.
- Any previous violations of the practice act.
- Investigation costs to FDACS.

#### *Unlicensed Pest Control Businesses*

It is unlawful for a business entity not licensed by FDACS to practice pest control.<sup>105</sup> If FDACS has probable cause to believe that an unlicensed business entity has violated the practice act, FDACS must issue and deliver to that business entity a notice to cease and desist from such violation.<sup>106</sup>

FDACS may also, for any violation for which FDACS may issue a notice to cease and desist:

- Institute a civil suit in circuit court to recover a civil penalty in the Class II category.<sup>107</sup>
- Impose a fine not less than twice the cost of a pest control business license, but not more than a fine in the Class II category.<sup>108</sup>

### **Food Establishment Inspections**

The Division of Food Safety within FDACS is responsible for ensuring a safe, wholesome, and properly represented food supply for the public. It accomplishes this through the permitting and inspection of food establishments, inspection and evaluation of food products, and the performance of specialized laboratory testing on a variety of food products sold or produced in Florida.<sup>109</sup>

<sup>101</sup> [S. 482.071\(4\), F.S.](#)

<sup>102</sup> [S. 482.161\(1\), F.S.](#)

<sup>103</sup> Administrative fines are tiered by violation class: Class I (up to \$1,000), Class II (up to \$5,000), Class III (up to \$10,000), and Class IV (\$10,000 or more). FDACS may refuse to issue or renew a license until an imposed penalty is satisfied. [S. 570.971\(1\), \(4\), F.S.](#)

<sup>104</sup> [S. 482.161\(7\), F.S.](#)

<sup>105</sup> [S. 482.165\(1\), F.S.](#)

<sup>106</sup> [S. 482.165\(2\), F.S.](#)

<sup>107</sup> [S. 482.165\(3\), F.S.](#)

<sup>108</sup> [S. 482.165\(5\), F.S.](#)

<sup>109</sup> FDACS, *Division of Food Safety*, <https://www.fdacs.gov/Divisions-Offices/Food-Safety> (last visited Dec. 29, 2025).

Section [500.147, F.S.](#), authorizes FDACS, or its duly authorized agent, to have free access at all reasonable hours to any food establishment, any food records, or any vehicle being used to transport or hold food in commerce for the purpose of inspection or sampling.

Section [500.04, F.S.](#), prohibits refusal to permit entry or inspection, or to permit the taking of a sample, as authorized by [s. 500.147, F.S.](#) Violating this requirement subjects the food establishment to disciplinary procedures under [s. 500.121, F.S.](#), which authorizes FDACS to impose administrative fines, suspend or revoke permits, and pursue other enforcement actions.

### **Healthy Food Financing Initiative**

In 2016, the Legislature directed FDACS to establish a Healthy Food Financing Initiative Program (HFFI) to provide financial assistance for the rehabilitation or expansion of grocery retail outlets located in underserved or low-income communities.<sup>110</sup> FDACS was directed to draw upon and coordinate the use of federal, state, and private loans or grants, federal tax credits, and other types of financial assistance. The goal of the HFFI is to improve public health and the well-being of low-income children, families, and older adults by increasing access to fresh produce and other nutritious foods at participating grocery outlets. Eligible outlets must allocate at least 30 percent of their retail space to the sale of perishable foods, which may include fresh or frozen dairy products, fresh produce, and fresh meats, poultry, and fish.<sup>111</sup>

For the 2016-2017 Fiscal Year, \$500,000 in nonrecurring funds was appropriated to FDACS to implement the program.<sup>112</sup> To administer HFFI, FDACS contracted with the Florida Community Loan Fund (FCLF), a statewide program providing flexible financing to certain entities engaged in community development. FCLF disbursed the \$500,000 to three recipients between December 2017 and April 2020: Evans Center, Fresh Choice Market, and Highpoint Food Rx Pharmacy. While food access improved across the three communities where entities received program funding, economic viability of the recipients and value to the local communities varied.<sup>113</sup> The program has not been funded since.

### **Health Studios**

The Health Studio Act, [ss. 501.012 - 501.019, F.S.](#), regulates health studios that enter into contracts for health studio services with consumers. “Health studios” include, among other things, a gym that offers its members the use of weight-training and cardiovascular equipment. The act requires studios to:

- Register with FDACS.
- Include specific provisions in every contract with a consumer, such as the consumer’s total payment obligations, and cancellation provisions.
- Provide a security bond, generally ranging from \$10,000 to \$25,000, depending on the value of outstanding contracts with the studio.
- Refrain from prohibited practices, such as fraud.

The following health studios or health-related businesses are exempt from registration:<sup>114</sup>

- Nonprofit organizations that have tax-exempt status with the Internal Revenue Service.
- Gymnastics schools that engage in instruction and training only.
- Golf, tennis, or racquetball clubs that do not offer physical exercise equipment.
- A program or facility offered and used solely for the purpose of dance, aerobic exercise, or martial arts that do not use physical exercise equipment.

<sup>110</sup> Ch. 2016-221, Laws of Florida, codified in [s. 500.81, F.S.](#)

<sup>111</sup> [S. 500.81, F.S.](#)

<sup>112</sup> Ch. 2016-221, Laws of Florida.

<sup>113</sup> OPPAGA, *The Florida Healthy Food Financing Initiative*, <https://oppaga.fl.gov/Documents/Reports/23-09.pdf> (last visited Dec. 23, 2025).

<sup>114</sup> [S. 501.013, F.S.](#)

- Country clubs that primarily provide social or recreational amenities to its members.
- A program or facility offered by an organization for the exclusive use of its employees and their family members.

### **Commercial Solicitation**

Section [501.022, F.S.](#), prohibits home solicitation sales without first obtaining a home solicitation sale permit, unless an exception applies. Generally, a “home solicitation sale” is a sale, lease, or rental of consumer goods or services with a purchase price in excess of \$25 in a place other than at the seller’s fixed location business establishment.<sup>115</sup> Applicants for permits must file sworn applications in writing with the clerk of the circuit court for the county in which applicants intend to conduct home solicitation sales.<sup>116</sup> Violation of this requirement is a first-degree misdemeanor.<sup>117</sup> Additionally, anyone engaging in home solicitation sales must follow certain operational requirements, such as providing a written agreement and a right to cancel.<sup>118</sup>

Some local ordinances in Florida impose further restrictions on home solicitation sales. For example, Leon County prohibits such solicitation on properties that display a “No Solicitation” sign that meets certain requirements,<sup>119</sup> the town of Palm Beach prohibits such solicitation outside of specified hours and on properties that display a “No Solicitation” sign,<sup>120</sup> and the city of Belle Isle<sup>121</sup> prohibits such solicitation outside of specified hours.<sup>122</sup>

### **Departmental Unit Reorganization**

Section [20.04, F.S.](#), outlines the structure of the executive branch of state government. Section [20.04\(7\), F.S.](#), states that unless authorized by law, department heads may not reallocate duties and functions specifically assigned by law to a specific unit of the department, but they can do so for duties and functions assigned generally to the department.

Department heads may recommend the establishment of additional divisions, bureaus, sections, and subsections of the department to promote efficient and effective operation of the department. Additional divisions may only be established by statutory enactment, but bureaus, sections, and subsections may be initiated by an agency and established as recommended by DMS and approved by the Executive Office of the Governor (EOG), or by statutory enactment.<sup>123</sup> For the purposes of such recommendations and approvals, DMS and EOG must adopt and apply specific criteria for assessing the appropriateness of all reorganization requests from agencies.<sup>124</sup>

Section [570.07, F.S.](#), outlines the functions, powers, and duties of FDACS, including broad authority to enforce agricultural and food safety laws and to carry out regulatory functions assigned to it by statute.

### **Agriculture and Aquaculture Producers Emergency Recovery Loan Program**

The Agriculture and Aquaculture Producers Emergency Recovery Loan Program allows loans to be made to agriculture and aquaculture producers that have experienced damage or destruction from a declared emergency.

<sup>115</sup> [S. 501.021\(1\), F.S.](#)

<sup>116</sup> [S. 501.022\(2\), F.S.](#)

<sup>117</sup> [S. 501.055, F.S. A first-degree misdemeanor is punishable by up to a one-year term of imprisonment and a \\$1,000 fine. Ss. 775.082 and 775.083, F.S.](#)

<sup>118</sup> [Ss. 501.025 and 501.031, F.S.](#)

<sup>119</sup> Ch. 12, Article IV, Sec. 12-82, Leon County Code of Laws.

<sup>120</sup> Ch. 78, Article I, sec. 78-1, Palm Beach, Florida, Code of Ordinances.

<sup>121</sup> Ch. 20, sec. 20-2, Belle Isle, Florida, Code of Ordinances.

<sup>122</sup> Ch. 20, sec. 20-2, Belle Isle, Florida, Code of Ordinances.

<sup>123</sup> [S. 20.04\(7\)\(a\), \(b\), F.S.](#)

<sup>124</sup> [S. 20.04\(7\)\(c\), F.S.](#)

Loan funds may be used to restore, repair, or replace essential physical property or remove vegetative debris from essential physical property.<sup>125</sup>

Under the program, FDACS is authorized to make low-interest or interest-free loans of up to \$500,000 to eligible applicants. An approved applicant may receive no more than one loan per declared disaster, two loans per year, and five loans within any three-year period. The term of each loan is 10 years.<sup>126</sup>

To be eligible, an applicant must:<sup>127</sup>

- Own or lease a bona fide farm operation damaged or destroyed as a result of a declared natural disaster located in a county that experienced a declared natural disaster; and
- Maintain complete and acceptable farm records, pursuant to criteria published by FDACS, and present them as proof of production levels and bona fide farm operations.

### [Florida Native Seed Research and Marketing Program](#)

Wildflowers are recognized as essential to Florida's ecological health, economy, and natural beauty. The Florida Wildflower Foundation protects, connects, and expands native wildflower habitats through education, research, planting, and conservation.<sup>128</sup>

### [Food Animal Veterinary Medicine Loan Repayment Program](#)

Florida has experienced a shortage of food animal veterinarians caring for livestock and food animals, particularly in rural areas. Nationally, over 72 percent of new veterinary graduates go into companion animal practices, with average starting salaries of \$140,000, while around 3 percent of new graduates pursue food animal practice and 8 percent pursue equine practice, with starting salaries averaging approximately \$100,000.<sup>129</sup> Student loan debt may be a factor influencing graduates to pursue companion animal practice rather than food animal or equine practice. Increasing the number of food animal and equine veterinarians practicing in the state may help support animal health, protect food safety, and enhance emergency response capacity during disease outbreaks.

The federal Veterinary Medicine Loan Repayment Program, authorized by the National Veterinary Medical Services Act<sup>130</sup> and administered by the United States Department of Agriculture (USDA), provides veterinary medicine education loan repayments of up to \$40,000 per year for veterinarians who provide agricultural animal veterinary services in a designated veterinary shortage area.<sup>131</sup>

<sup>125</sup> [S. 570.822\(2\), F.S.](#)

<sup>126</sup> *Id.*

<sup>127</sup> [S. 570.822\(3\), F.S.](#)

<sup>128</sup> Florida Wildflower Foundation, *What We Do*, <https://www.flawildflowers.org/what-we-do/> (last visited Jan. 20, 2026).

<sup>129</sup> Larkin, M, *Inflation continues to dampen gains in veterinarian salaries, fewer new grads entering full time employment*. American Veterinary Medical Association, (2025, October 15) <https://www.avma.org/news/inflation-continues-dampen-gains-veterinarian-salaries-fewer-new-grads-entering-full-time> (last visited Dec. 29, 2025).

<sup>130</sup> National Veterinary Services Act, Public Law No. 108-61, 117 Stat. 2014 (2003).

<https://www.congress.gov/108/plaws/publ161/PLAW-108publ161.pdf> (last visited Dec. 29, 2025).

<sup>131</sup> USDA. *The Veterinary Medicine Loan Repayment Program*. <https://www.nifa.usda.gov/grants/programs/veterinary-medicine-loan-repayment-program> (last visited Dec. 29, 2025).

## Agritourism

Of Florida's 35 million acres, almost 10 million acres are used for farming.<sup>132</sup> This includes approximately 44,400 farm operations that collectively produced around \$8.88 billion in cash receipts in 2022.<sup>133</sup> However, the number of farms is declining throughout the state. In order to continue farming, operators of small and medium-sized farms must find ways to diversify and expand their incomes, either through new enterprises on the farm or off-farm employment.<sup>134</sup>

An agritourism activity includes any agricultural related activity that is consistent with a bona fide farm, ranch, or in a working forest that allows members of the general public to view or enjoy its activities for recreational, entertainment, or educational purposes. These activities include farming, ranching, and historical, cultural, or harvest-your-own activities and attractions.<sup>135</sup> An agritourism activity does not include the building of new or additional structures or facilities that are intended primarily to house, shelter, transport, or otherwise accommodate the general public.<sup>136</sup>

An agricultural classification pursuant to s. [193.461](#), F.S., may not be denied or revoked solely due to the conduct of agritourism activity on a bona fide farm or the construction, alteration, or maintenance of a nonresidential farm building, structure, or facility on a bona fide farm which is used to conduct agritourism activities so long as the building, structure, or facility is an integral part of the agricultural operation. However, such buildings, structures, and facilities, and other improvements on the land, must be assessed at their just value and added to the agriculturally assessed value of the land.<sup>137</sup>

Local governments are prohibited from adopting ordinances, regulations, rules, or policies that prohibit, restrict, regulate, or otherwise limit an agritourism activity on land that has been classified as agricultural land. However, local governments may address substantial offsite impacts of agritourism activities or an emergency as provided in Chapter 252, F.S.<sup>138</sup>

### *Rural Event Venue Permits*

Some local governments require a permit to hold certain events on agricultural or rural lands. For example, Miami-Dade County requires a permit for a "rural event venue," which is a "venue, located in an agriculturally zoned area, for special functions such as weddings, receptions, corporate meetings, or similar gatherings."<sup>139</sup>

When the rural event venue, except for its parking area, is entirely contained within land classified as agricultural land by the Miami-Dade Property Appraiser, the following simplified conditions and limitations to address substantial offsite impacts and emergencies apply:<sup>140</sup>

- All lighting installations must be designed to minimize direct spillage, sky glow, and hazardous interference with vehicular traffic on adjacent rights-of-way and all adjacent properties.
- Sufficient portable toilets or other lawful sanitation facilities commensurate with the number of guests must be provided.

<sup>132</sup> UF/IFAS, *Expanding Florida's Farming Business to Incorporate Tourism*, <http://edis.ifas.ufl.edu/fr242> (last visited Jan. 21, 2026).

<sup>133</sup> United States Department of Agriculture, *Florida Agricultural Overview*, available at [https://www.nass.usda.gov/Statistics\\_by\\_State/Florida/Publications/Annual\\_Statistical\\_Bulletin/2024/FloridaAgriculturalOverview.pdf](https://www.nass.usda.gov/Statistics_by_State/Florida/Publications/Annual_Statistical_Bulletin/2024/FloridaAgriculturalOverview.pdf) (last visited Jan. 21, 2026).

<sup>134</sup> UF/IFAS, *Expanding Florida's Farming Business to Incorporate Tourism*, <http://edis.ifas.ufl.edu/fr242> (last visited Jan. 22 2026).

<sup>135</sup> [S. 570.86\(1\), F.S.](#)

<sup>136</sup> *Id.*

<sup>137</sup> [S. 570.87\(1\), F.S.](#)

<sup>138</sup> [S. 570.85\(1\), F.S.](#)

<sup>139</sup> Sec. 33-1(43.1) Miami-Dade, Florida, Code of Ordinances.

<sup>140</sup> Sec. 33-279(8)(i) Miami-Dade, Florida, Code of Ordinances.

- Certain parking must be provided.
- Sufficient emergency vehicle access must be provided.

Additionally, rural event venues in Miami-Dade County must comply with the following noise regulations:<sup>141</sup>

- No outdoor amplified sound is allowed between the hours of 11:00 p.m. and 9:00 a.m.
- Sound emanating from the property may not exceed 70 dBA or 80 dBC<sup>142</sup> when measured:
  - From any point at least 200 feet from any exterior property line of the property with the agritourism use.
  - From the property line of any abutting or adjacent property with a residential use, or from any other point on such abutting or adjacent property.

### Citrus Marketing Order Advisory Council

There are thousands of small agricultural producers in Florida who rely on scientific research and marketing efforts to grow and market their crops. Most cannot afford to independently operate laboratories and marketing programs. However, current law authorizes agricultural producers to establish marketing orders, which allow producers to vote to impose assessments on themselves to fund research, marketing, and related industry activities.<sup>143</sup> When a marketing order is issued, FDACS must appoint an advisory council to assist in administering the order.<sup>144</sup>

Currently, the Citrus Research and Development Foundation (CRDF), a direct-support organization of the University of Florida,<sup>145</sup> is the advisory council and research body for the citrus marketing order.<sup>146</sup> CRDF's board of directors is composed of 13 members, including ten citrus growers, two representatives of the university's Institute of Food and Agricultural Sciences, and one member appointed by the Commissioner of Agriculture.<sup>147</sup>

The Citrus Research and Field Trial Foundation (CRAFT) is a nonprofit direct-support organization of FDACS<sup>148</sup> established in 2019 to conduct large-scale field trials and research addressing citrus greening and other production challenges.<sup>149</sup> CRAFT'S board is composed of the Florida State Plant Health Inspection Service Director, five citrus growers, and one Florida citrus nursery representative.<sup>150</sup>

### Egg or Poultry Dealer

Section [583.01, F.S.](#), defines the term "dealer" to mean any person, firm, or corporation, including a producer, processor, retailer, or wholesaler, that sells, offers for sale, or holds for the purpose of sale in this state 30 dozen or more eggs or its equivalent in any one week, or more than 384 dressed birds in any one week. These thresholds benefit operators of small poultry farms by providing a level of economic and regulatory relief for the production

<sup>141</sup> Sec. 33-279(27)(d) Miami-Dade, Florida, Code of Ordinances.

<sup>142</sup> The sound measurement dBA (A-weighted decibels) is a way of measuring sound that mimics how the human ear perceives it, and dBC (C-weighted decibels) is a way of measuring sound that captures low frequencies that humans cannot hear and dBA sound measurement doesn't register, such as bass frequencies. Jason Peetz, *dBA vs. dBC: Understanding Sound for Perfect Event Acoustics*, <https://info.environmental-noise-control.com/resources/dba-vs-dbc> (last visited Jan. 26, 2026).

<sup>143</sup> See [ch. 573, F.S.](#); see also FDACS, *Agricultural Marketing Orders FAQ*, <https://www.fdacs.gov/Agriculture-Industry/Fruit-and-Vegetables/Agricultural-Marketing-Orders-FAQ> (last visited Feb. 18, 2026).

<sup>144</sup> [S. 573.112\(1\), F.S.](#)

<sup>145</sup> A university direct-support organization is a nonprofit corporation organized and operated exclusively to receive, hold, invest, and administer property and make expenditures for the benefit of a state university. See [s. 1004.28, F.S.](#)

<sup>146</sup> [S. 573.112\(7\), F.S.](#)

<sup>147</sup> *Id.*

<sup>148</sup> A direct-support organization of FDACS is a nonprofit organization authorized by the department to provide assistance, funding, and promotional support for its programs. [S. 570.691, F.S.](#)

<sup>149</sup> CRAFT, *Our Background*, <https://craftfdn.org/background/> (last visited Feb. 18, 2026).

<sup>150</sup> CRAFT, *Our Board of Directors*, <https://craftfdn.org/board/> (last visited Feb. 18, 2026).

and sale of limited poultry. Rule 5K-4.033, F.A.C., further defines a “Limited Poultry and Egg Farm Operation” as limited to 20,000 birds annually.

Federally, the Poultry Product Inspection Act exempts poultry producers who slaughter or process the products of 20,000 poultry birds or fewer from certain inspection requirements of the act.<sup>151</sup>

### [Florida Forest Service](#)

The Florida Forest Service (FFS) has primary responsibility for the prevention, detection, and suppression of wildfires wherever they may occur.<sup>152</sup> FFS operates the Withlacoochee Training Center (center), which serves as a site where fire and forest resource managers can obtain current knowledge, techniques, skills, and theory as they relate to their respective disciplines. The center may:<sup>153</sup>

- Establish cooperative efforts involving federal, state, and local entities.
- Hire appropriate personnel.
- Engage others by contract or agreement with or without compensation to assist in carrying out the training and operations of the center.

The center must focus on curriculum related to, but not limited to:<sup>154</sup>

- Fuel reduction.
- An incident management system.
- Prescribed burning certification.
- Multiple-use land management.
- Water quality.
- Forest health.
- Environmental education.
- Wildfire suppression training for structural firefighters.

The center may assess appropriate fees for food, lodging, travel, course materials, and supplies in order to meet its operational costs and may grant free meals, room, and scholarships to persons and other entities in exchange for instructional assistance.<sup>155</sup>

The center must provide wildfire suppression training opportunities for rural fire departments, volunteer fire departments, and other local fire response units.<sup>156</sup>

Section [590.02\(1\)\(f\), F.S.](#), grants FFS the authority to pay the cost of the initial CDL exam fee for employees whose position requires them to operate certain equipment, but does not authorize paying the cost of CDL renewal. The Department of Financial Services prohibits the use of public funds to pay license or exam fees unless specifically authorized by law.<sup>157</sup>

### [Farmers Feeding Florida Program](#)

The Farmers Feeding Florida Program (program) was temporarily created during the 2025 legislative session and funded through the General Appropriations Act.<sup>158</sup> The program provides funding and authority to Feeding

<sup>151</sup> 21 U.S.C. § 464.

<sup>152</sup> See [s. 590.02\(1\), F.S.](#)

<sup>153</sup> [S. 590.02\(7\), F.S.](#)

<sup>154</sup> *Id.*

<sup>155</sup> *Id.*

<sup>156</sup> *Id.*

<sup>157</sup> Rule 69I-40.002(23), F.A.C.

<sup>158</sup> Ch. 2025-198, Laws of Fla.

Florida<sup>159</sup> to purchase, transport, and distribute non-Emergency Food Assistance Program<sup>160</sup> fresh food products for the benefit of food insecure residents. The program supports Florida farmers while connecting them to families in need. In Florida, the USDA found that 12 percent of households were food insecure in 2023,<sup>161</sup> while Feeding America estimates that 3.2 million Floridians were food insecure that year.<sup>162</sup>

### [Aquaculture Facilities](#)

The Florida Aquaculture Policy Act established that aquaculture is agriculture and consolidated state regulatory responsibilities under FDACS.<sup>163</sup> Florida's aquaculture industry produces the greatest variety of aquatic species of any state in the nation. There are approximately 1,000 certified aquaculture farms in Florida, located in every region of the state, which produce an estimated 1,500 varieties of fish, aquatic plants, mollusks, crustaceans, turtles, amphibians, and alligators for ornamental, food and bait markets as well as for sporting, conservation, and educational purposes.<sup>164</sup>

An aquaculture producer who operates an aquaculture facility<sup>165</sup> must obtain a certificate of registration from FDACS.<sup>166</sup> Each aquaculture certificate must be renewed annually.<sup>167</sup> Any person whose certificate of registration has been revoked or suspended must reapply for certification.<sup>168</sup>

### [Water Leases](#)

Sovereign submerged lands are lands in Florida that include tidal lands, islands, sand bars, shallow banks, and lands waterward of the ordinary or mean high water line, beneath navigable fresh water or beneath tidally-influenced waters.<sup>169</sup> To conduct aquaculture activities on sovereign submerged lands in Florida, an individual must obtain a lease from the Board of Trustees.<sup>170</sup> FDACS accepts and reviews applications and provides recommendations to the Board of Trustees. The Board of Trustees may approve, approve with modifications, or deny the application.<sup>171</sup>

<sup>159</sup> Feeding Florida is a statewide nonprofit organization that serves as Florida's official network of food banks and is affiliated with Feeding America, the largest domestic hunger-relief organization. Feeding Florida, *About Farmers Feeding Florida*, <https://www.feedingflorida.org/our-work/farmers-feeding-florida/about-farmers-feeding-florida/> (last Feb. 19, 2026).

<sup>160</sup> The Emergency Food Assistance Program is a USDA U.S.-grown food distribution program for low-income households that is administered in Florida by FDACS. See USDA, *The Emergency Food Assistance Program*, <https://fns-prod.azureedge.us/sites/default/files/tefap/pfs-tefap.pdf> (last visited Feb. 19, 2026).

<sup>161</sup> Rabbitt, M. P., Reed-Jones, M., Hales, L. J., & Burke, M. P., *Household food security in the United States in 2023*, USDA, <https://ers.usda.gov/sites/default/files/laserfiche/publications/109896/ERR-337.pdf?v=39293> (last visited Dec. 29, 2025).

<sup>162</sup> Feeding America, <https://map.feedingamerica.org/county/2023/overall/florida> (last visited Dec. 29, 2025).

<sup>163</sup> [S. 597.002, F.S.](#)

<sup>164</sup> FDACS, *Florida Aquaculture Industry Overview*, <https://www.fdacs.gov/content/download/91723/file/FDACS-P-02145-2020FLAquacultureIndustryOverview.pdf> (last visited Dec. 29, 2025); [ch. 597, F.S.](#)

<sup>165</sup> An aquaculture facility is where an aquaculture producer engages in the production of aquaculture products and may be located in the open ocean, a bay, or in a variety of man-made ponds or tanks. FDACS, *Discover Florida Aquaculture*, <https://ccmedia.fdacs.gov/content/download/22915/file/P-01587.pdf> (last visited Feb. 18, 2026).

<sup>166</sup> [S. 597.004\(1\), F.S.](#) The aquaculture certificate of registration authorizes an approved aquaculture producer to plant, harvest, and sell aquaculture products and entitles the holder to the same benefits as other agricultural producers, including tax benefits. An applicant for the certificate must submit specified information including a description of production facilities and the aquaculture products to be produced. See FDACS, *Aquaculture Certificate of Registration*, <https://www.fdacs.gov/Agriculture-Industry/Aquaculture/Aquaculture-Certificate-of-Registration> (last visited Feb. 18, 2026).

<sup>167</sup> [S. 597.004\(7\)\(a\), F.S.](#)

<sup>168</sup> [S. 597.004\(7\)\(c\), F.S.](#)

<sup>169</sup> Rule 18-21.003(67), F.A.C.; see also [s. 253.03, F.S.](#)

<sup>170</sup> [Ss. 253.68](#) and [597.010, F.S.](#)

<sup>171</sup> Rule 18-21.021(1)(q), F.A.C.

The annual rental fee charged for all water leases consist of the minimum rate of \$15 per acre, or any fraction of an acre, per year and must be adjusted every five years, based on the five-year average change in the Consumer Price Index.<sup>172</sup>

### **Florida Wine Trust Fund**

The Legislature has determined that viticulture, the production and utilization of grapes, is an underdeveloped agricultural commodity enterprise in this state. Florida possesses many resources and geographic advantages that favor the expansion and growth of present-day viticulture into a broad-based, economically viable industry. The growth potential of the present industry offers opportunities for local economic development and supply trade. The development of viticulture is compatible with the economies, lifestyles, and interests of both rural and urban Florida.<sup>173</sup> Further, the Legislature has determined that a multitude of factors are inhibitory to the development of viticulture in Florida, including:<sup>174</sup>

- Minimal new grape cultivar development.
- Lack of printed information on production and processing.
- Minimal understanding of winemaking techniques and requirements that will capitalize on the unique characteristics of available grape cultivars.
- Minimal understanding of grape juice processing requirements.
- Lack of fresh fruit handling and processing technology specifically for muscadine grape cultivars.
- Lack of quality standards for wine and other processed grapes.
- Lack of assistance and printed information for overall business planning and marketing.
- Lack of coordination of the many diverse interests and expertise which could contribute to the further development of viticulture in the state.

In 1984, Florida passed the Florida Viticulture Policy Act, which created the Florida Wine Advisory Council, State Wine Plan, Florida Farm Winery Program, and Florida Wine Trust Fund to support the wine and viticulture industries in Florida.<sup>175</sup> FDACS must use moneys deposited into the Florida Wine Trust Fund to do the following:<sup>176</sup>

- Develop and coordinate the implementation of the State Wine Plan.
- Promote viticulture products manufactured from products grown in the state.
- Provide grants for viticultural research.

Fifty percent of the revenues collected from the excise taxes imposed under [s. 564.06, F.S.](#), on wine produced by manufacturers in this state from products grown in the state, are deposited in the Florida Wine Trust Fund.<sup>177</sup>

### **Fair Charters and Permitting**

The Legislature first passed laws for the purpose of regulating state fair associations and operations in 1917.<sup>178</sup> In 1974, the Legislature created the Florida State Fair Authority to deal exclusively with the staging of the annual state fair in Tampa, Florida.<sup>179</sup> The last major changes to the statute occurred in 1993 under provisions of the Regulatory Sunset Act.<sup>180</sup>

<sup>172</sup> [S. 597.010\(5\), F.S.](#)

<sup>173</sup> [S. 599.001, F.S.](#)

<sup>174</sup> *Id.*

<sup>175</sup> [Ch. 599, F.S.](#)

<sup>176</sup> [S. 599.012\(1\), F.S.](#)

<sup>177</sup> [S. 599.012\(2\), F.S.](#)

<sup>178</sup> Ch. 7388, Laws of Fla.

<sup>179</sup> Ch. 74-322, Laws of Fla.

<sup>180</sup> Ch. 93-168, Laws of Fla.

In order to form a fair association, 25 or more persons who are residents and qualified electors of the county in which the annual public fair is to be located must incorporate the charter. The proposed charter must contain certain specifications, including:<sup>181</sup>

- The name of the association and the place where the principal office is to be located.
- The name and residence of each subscriber.
- Procedures for the election of and governance by officers, who may be elected or appointed.
- Procedures for the adoption, amendment, or rescission of bylaws of the association.

The notice of intention to apply to the circuit court for the charter of a fair association must be published in a newspaper in the county where the principal office of the association will be located once each week for four consecutive weeks. The proposed charter must be approved by FDACS and the board of county commissioners of the county in which the principal office of the association will be located, before being submitted for approval to the circuit judge.<sup>182</sup>

A fair association may dissolve its charter by resolution. Upon approval by FDACS and publication of notice and proof that all debts have been paid and no claims are outstanding against the association, the circuit judge may dissolve the association and order its remaining public funds to be distributed as recommended by the board of directors.<sup>183</sup> Also, upon order of the circuit judge, any public funds or property remaining in a fair association when the association is dissolved must be distributed to any county or any municipality within the county. The board may designate in the distribution resolution the public project that will benefit from the funds or the manner in which the property will be used. If property has been contributed by a municipality or county, the property must be reconveyed to the municipality or county that gave the property to the association.<sup>184</sup>

An annual public fair may not be conducted by a fair association without a permit issued by FDACS at least three months before holding the annual public fair. FDACS must issue a permit within 10 days of receipt of a complete application, which includes:<sup>185</sup>

- The opening and closing dates of the proposed annual public fair.
- The main purpose of the association, which must be subscribed and acknowledged by an officer of the association.
- A premium<sup>186</sup> list of the current annual public fair to be conducted or a copy of the previous year's premium list. The premium list, which may be submitted separately from the application, must be submitted at least 60 days before the annual public fair begins operation.
- Proof of liability insurance in an amount of not less than \$300,000 per occurrence.
- A list of all current members of the board of directors of the association.

FDACS regulates the following types of public fairs:<sup>187</sup>

- "Annual public fair" – a community, county, district, regional, or state fair that is held and conducted by a fair association and permitted by FDACS.
- "Community fair" – an annual public fair that serves an area of less than an entire county, has required exhibits, and gives premiums or awards to exhibitors. Agricultural products must be produced in the community the exhibit represents. The majority of the board of directors of the fair must reside, be employed, or operate a business in the community the fair represents.
- "County fair" – an annual public fair that serves an entire county and provides exhibitors with premiums or awards for required exhibits. Agricultural products must be typical of those produced in the county the

<sup>181</sup> [S. 616.01, F.S.](#)

<sup>182</sup> [S. 616.03, F.S.](#)

<sup>183</sup> [S. 616.05, F.S.](#)

<sup>184</sup> [S. 616.07, F.S.](#)

<sup>185</sup> [S. 616.15, F.S.](#)

<sup>186</sup> Generally, a *premium* is a prize, bonus, or award given as an inducement, as to purchase products or enter competitions. Dictionary.com, *Premium*, <https://www.dictionary.com/browse/premium> (last visited Jan. 12, 2026).

<sup>187</sup> [S. 616.001, F.S.](#)

exhibit represents. The majority of the board of directors of the fair must reside, be employed, or operate a business in the county that the fair association represents.

- “District fair” – an annual public fair that serves at least five counties and has required exhibits. A district fair must pay at least \$25,000 in cash premiums or awards to exhibitors. Agricultural products must be typical of those produced in the counties the exhibit represents. Livestock may originate from outside the district, but must be registered in the exhibitor’s name at least 30 days before the opening day of the fair. Each county is encouraged to have exhibits typical of its respective natural resources, and each county must have exhibits representing basic resources in agriculture and industry.
- “Public fair or exposition” – a project, activity, event, or program, and use by a fair association, including, but not limited to, the annual public fair, which develops the educational, agricultural, horticultural, livestock, charitable, historic, civic, cultural, scientific, and other resources of this state, or any county, municipality, or other community in this state.
- “Regional fair” or “interstate fair” – an annual public fair of this state and other states with certain fair exhibits. Agricultural products must be typical of those produced in the area the exhibit represents.
- “State fair” – an annual public fair that serves the entire state. Exhibits must meet certain requirements, and cash premiums or awards may be given to exhibitors.

The “Florida State Fair Authority,” is a public body corporate and politic, charged with the responsibility of staging an annual fair to serve the entire state. Cash premiums or awards may be given to exhibitors.<sup>188</sup>

The 121<sup>st</sup> Florida State Fair was held in 2025, and attendance reached 397,922, an increase of 17.5 percent from 2024.<sup>189</sup>

### Nonprofit Agricultural Organizations

A “nonprofit agricultural organization” is an organization that meets all of the following criteria:<sup>190</sup>

- Is domiciled in this state.
- Is exempt from federal income tax under s. 501(c)(3) of the Internal Revenue Code.
- Was created primarily to promote programs for the development of rural communities and the economic stability and sustainability of farmers in Florida.
- Exists to serve its members beyond only offering medical expense plans.
- Collects annual dues from its members.
- Was in existence before 1945.
- Is composed of members who, collectively, are residents of the majority of counties in Florida.

Nonprofit agricultural organizations may offer medical benefit plans to their members, and such plans are not insurance for purposes of the Florida Insurance Code.<sup>191</sup> The nonprofit agricultural organization must provide a written disclaimer on or accompanying all applications and marketing materials that the:<sup>192</sup>

- Plan is not a health insurance policy or health maintenance organization contract.
- Plan is not subject to the regulatory requirements and consumer protections that apply to health insurance policies or health maintenance organization contracts under the Florida Insurance Code.
- Nonprofit agricultural organization is not an authorized insurer or authorized health maintenance organization in Florida.

<sup>188</sup> [S. 616.251, F.S.](#)

<sup>189</sup> Timothy Herrick, *Let Your Funshine: 2025 Florida State Fair Rebounds with Strong Attendance & Record Wade Shows Midway*, CarnivalWarehouse.com, <https://carnivalwarehouse.com/newserver/let-your-funshine-2025-florida-state-fair-rebounds-with-strong-attendance-record-wade-shows-midway-1741910400#:~:text=Attendance%20Upticks,highest%20attended%20Saturday%20reached%2070%2C061>. (last visited Jan. 12, 2026); FDACS, Florida State Fair Authority, 2025 Oversight Report, p. 5.

<sup>190</sup> [S. 624.4032\(2\), F.S.](#)

<sup>191</sup> Chs. 624-632, 634, 635, 636, 641, 642, 648, and 651, F.S., constitute the Florida Insurance Code.

<sup>192</sup> [S. 624.4032\(3\), F.S.](#)

- Nonprofit agricultural organization is not subject to the regulatory requirements or consumer protections of the Florida Insurance Code.

The nonprofit agricultural organization may not market or sell medical benefit plans through agents licensed by the Department of Financial Services and must conduct an annual financial audit.<sup>193</sup>

#### *Federal Tax Exemptions for Agricultural Organizations*

Section 501(c) of the Internal Revenue Code (Code) confers tax-exempt status on nonprofit organizations, such as charities, advocacy groups, and religious entities. Specifically, it identifies which nonprofit organizations are exempt from paying federal income tax.<sup>194</sup>

Section 501(c)(5) of the Code provides for exemption of labor, agricultural, or horticultural organizations. To be exempt, an organization must meet the following requirements:<sup>195</sup>

- The net earnings of the organization may not inure to the benefit of any member.
- The objects of the organization must be the betterment of conditions of those engaged in the pursuits of labor, agriculture, or horticulture, the improvement of the grade of their products, and the development of a higher degree of efficiency in their respective occupations.

Section 501(c)(3) of the Code provides an exemption for organizations organized and operated exclusively for religious, charitable, scientific, testing for public safety, literary, educational, or other specified purposes and that meet certain other requirements.<sup>196</sup> The organization must not be organized or operated for the benefit of private interests, and no part of the organization's net earnings may inure to the benefit of any private shareholder or individual.<sup>197</sup> An agricultural organization may qualify for exemption under section 501(c)(3) of the Code if its primary purpose is educating the public on horticultural or agricultural subjects.<sup>198</sup>

#### **Unlawful Use of Badges and Concealed Weapon Permits**

Section [843.08, F.S.](#), punishes false personation of a law enforcement officer or other specified person. A person commits a false personation offense if he or she falsely assumes or pretends to be a law enforcement officer or other person specified in the statute and takes upon himself or herself to act as such or to require any other person to aid or assist him or her in a matter pertaining to the duty of any specified person.

It is a first-degree misdemeanor<sup>199</sup> to wear or display any authorized indicia of authority, including any badge, insignia, emblem, identification card, or uniform, or any colorable imitation thereof, of any federal, state, county, or municipal law enforcement agency, or other criminal justice agency, with the intent to mislead or cause another person to believe that he or she is a member of the agency or is authorized to wear or display the item containing the indicia or related words, unless appointed by the Governor pursuant to Chapter 354, F.S., authorized by the appropriate agency, or displayed in a closed or mounted case as a collection or exhibit.<sup>200</sup>

<sup>193</sup> *Id.*

<sup>194</sup> Troy Segal, *Understanding 501(c) Organizations: Types, Benefits, and Examples*, Investopedia.com, <https://www.investopedia.com/terms/1/501c.asp> (last visited Jan. 23, 2026).

<sup>195</sup> Internal Revenue Service (IRS), *Labor and agricultural organizations*, <https://www.irs.gov/charities-non-profits/other-non-profits/labor-and-agricultural-organizations> (last visited Jan. 23, 2026).

<sup>196</sup> IRS, *Exempt organization types*, <https://www.irs.gov/charities-non-profits/exempt-organization-types> (last visited Jan. 23, 2026).

<sup>197</sup> IRS, *Exemption requirements - 501(c)(3) organizations*, <https://www.irs.gov/charities-non-profits/charitable-organizations/exemption-requirements-501c3-organizations> (last visited Jan. 23, 2026).

<sup>198</sup> IRS, *Requirements for exemption - Agricultural/horticultural organization*, <https://www.irs.gov/charities-non-profits/other-non-profits/requirements-for-exemption-agricultural-horticultural-organization> (last visited Jan. 23, 2026).

<sup>199</sup> A first-degree misdemeanor is punishable by up to one-year imprisonment and a \$1,000 fine. [Ss. 775.082](#) and [775.083, F.S.](#)

<sup>200</sup> [S. 843.085\(1\), \(5\), F.S.](#)

## Signal Jamming Devices

“Signal jammers” are devices commonly called signal blockers, GPS jammers, cell phone jammers, and text blockers, and they are illegal radio frequency transmitters that are designed to block, jam, or otherwise interfere with authorized radio communications.<sup>201</sup> A jammer can block all radio communications on any device that operates on radio frequencies within its range by emitting radio frequency waves that prevent the targeted device from establishing or maintaining a connection. Jammers can prevent:<sup>202</sup>

- Your cell phone from making or receiving calls, text messages, and emails.
- Your Wi-Fi enabled device from connecting to the Internet.
- Your GPS unit from receiving correct positioning signals.
- A first responder from locating you in an emergency.

Chapter 934, F.S., governs the security of electronic and telephonic communications. Section [934.04, F.S.](#), prohibits the manufacture, distribution, or possession of wire, oral, or electronic communication intercepting devices. Violation of this provision is a third-degree felony.<sup>203</sup>

Section [843.165, F.S.](#), prohibits knowingly transmitting jamming devices or jamming transmissions over radio frequencies assigned by the Federal Communications Commission (FCC) to a state, county, or municipal governmental agency or water management district, or jamming radio transmissions made by volunteer communications personnel of such agencies or any public or private emergency medical services provider, unless authorized to do so. Violation of this provision is a first-degree misdemeanor.<sup>204</sup>

Federally, the FCC regulates the use of signal jamming devices. The FCC has authority to regulate radio frequency interference.<sup>205</sup> The use, manufacture, import, sale, or shipment of devices that can interfere with radio communications, except as authorized, is prohibited; however, “possession” of such devices is not explicitly prohibited.

### RECENT LEGISLATION:

YEAR	BILL #/SUBJECT	HOUSE/SENATE SPONSOR(S)	OTHER INFORMATION
2025	<a href="#">CS/CS/CS/SB 700</a> - Department of Agriculture and Consumer Services	Alvarez, D./ <i>Truenow</i>	Became law on July 1, 2025.
2024	<a href="#">CS/CS/SB 1084</a> - Department of Agriculture and Consumer Services	Alvarez, D./ <i>Collins</i>	Became law on July 1, 2024.

<sup>201</sup> Federal Communications Commission (FCC), Enforcement Advisory No. 2012-02, Mar. 6, 2012, [https://docs.fcc.gov/public/attachments/DA-12-347A1\\_Rcd.pdf](https://docs.fcc.gov/public/attachments/DA-12-347A1_Rcd.pdf) (last visited Dec. 29, 2025).

<sup>202</sup> FCC, Enforcement Advisory No. 2014-05, Dec. 8, 2014, [https://docs.fcc.gov/public/attachments/DA-14-1785A1\\_Rcd.pdf](https://docs.fcc.gov/public/attachments/DA-14-1785A1_Rcd.pdf) (last visited Dec. 29, 2025). Additionally, bad network connections can be caused by a variety of factors, including faulty equipment, physical obstructions that block the signal, or lawful devices that are operating on the same frequencies may interfere with signals and radio frequencies. FCC, *Jammer Enforcement*, <https://www.fcc.gov/general/jammer-enforcement> (last visited Dec. 29, 2025).

<sup>203</sup> A third-degree felony is punishable by up to five years imprisonment and a \$5,000 fine. [Ss. 775.082](#) and [775.083, F.S.](#)

<sup>204</sup> A first-degree misdemeanor is punishable by up to one-year imprisonment and a \$1,000 fine. [Ss. 775.082](#) and [775.083, F.S.](#)

<sup>205</sup> 47 U.S.C. § 302a.

**BILL HISTORY**

<b>COMMITTEE REFERENCE</b>	<b>ACTION</b>	<b>DATE</b>	<b>STAFF DIRECTOR/ POLICY CHIEF</b>	<b>ANALYSIS PREPARED BY</b>
<a href="#">Commerce Committee</a>	18 Y, 0 N, As CS	1/21/2026	Hamon	Wright
THE CHANGES ADOPTED BY THE COMMITTEE:	<ul style="list-style-type: none"> <li>• Prohibits development on certain ecologically significant parcels from exceeding a specified density.</li> <li>• Delays implementation of new biosolids land application site requirements until July 1, 2028.</li> <li>• Increases the amount of insurance coverage each person applying for a pest control business license or renewal must have.</li> <li>• Increases fines for failing to follow the Structural Pest Control Act or acting without a license to a Class III fine, from a Class II.</li> <li>• Increases the number of days a construction contractor has to pay subcontractors and suppliers to 30 days, from 15 business days.</li> <li>• Creates the Florida Native Seed Research and Marketing Program.</li> <li>• Prohibits a local government from requiring a property owner to obtain a rural event venue permit or license. Renames the Bonifay Forestry Station in memory of John Michael Mathis.</li> <li>• Requires a fair association board member to list their mailing address in certain fair documents, rather than their home address.</li> <li>• Removes antiquated language from a fair provision.</li> <li>• Clarifies that eligible candidates of the Food Animal Veterinary Medicine Loan Repayment Program may receive \$25,000 per year for 5 years, and FDACS may add 3 new eligible candidates per year.</li> <li>• Provides that the term “nonprofit agricultural organization” means an organization that is exempt from federal income tax under s. 501(c)(5) of the Internal Revenue Code, rather than s. 501(c)(3).</li> </ul>			
<a href="#">Agriculture &amp; Natural Resources Budget Subcommittee</a>	14 Y, 0 N	2/4/2026	Topp	Perez
<a href="#">State Affairs Committee</a>	22 Y, 3 N, As CS	2/24/2026	Williamson	Villa

THE CHANGES ADOPTED BY THE COMMITTEE:	<ul style="list-style-type: none"> <li>• Includes lands within the boundaries of the Comprehensive Everglades Restoration Plan in the list of lands that may not be surplusd.</li> <li>• Extends the compliance deadline for certain biosolid land application requirements to July 1, 2031, for certain local governments.</li> <li>• Replaces criminal penalties with administrative penalties for contractors who fail to compensate subcontractors and suppliers.</li> <li>• Adds equine veterinary medicine as an authorized field of study eligible for the Florida Food Animal and Equine Veterinary Medicine Loan Repayment Program.</li> <li>• Replaces the Citrus Research and Development Foundation, a direct-support organization of UF, with the Citrus Research and Field Trial Foundation, a direct support organization of FDACS.</li> <li>• Removes provisions relating to the disparagement of agricultural food products.</li> </ul>			
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**THIS BILL ANALYSIS HAS BEEN UPDATED TO INCORPORATE ALL OF THE CHANGES DESCRIBED ABOVE.**  
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